

**PLANNING BOARD
RULES OF PROCEDURE
TOWN OF BARRINGTON, NEW HAMPSHIRE**

1. Planning Board Roles:

- a. The planning role--The Board establishes a vision for the future of Barrington and identifies the steps necessary to achieve that vision.
- b. The legislative role--The Board proposes ordinances and enacts regulations which become the rules by which to achieve the vision.
- c. The regulatory role--The Board applies the ordinances and rules to specific situations in fulfillment of the vision.

2. Authority

- a. These rules of procedure are adopted under authority of New Hampshire Revised Statutes Annotated. **(RSA) 676:1.**
- b. The Planning Board has the discretion to waive the rules of procedure not required by statute when the circumstances warrant such an action.
 - i. Any waiver shall require a majority vote.

3. MEMBERS AND ALTERNATES

- a. Pursuant to a decision made at the December 14, 1970 Special Town Meeting, the Planning Board shall consist of SEVEN (7) members.
 - i. The Selectmen shall appoint SIX (6) residents of the Town of Barrington to serve as voting members and shall designate ONE (1) selectman to serve as an ex-officio member with the same rights and duties as the voting members.
- b. Selection, qualification, term, removal of members, and filling of vacancies shall conform to **RSA 673.**
- c. Alternate members may serve on the Planning Board as authorized by **RSA 673:6** and participate as nonvoting members.
 - i. Up to five residents of the Town of Barrington may be appointed by the Board of Selectmen to serve as alternate members of the Planning Board.
 1. If any voting member is absent from a meeting or hearing, or recuses themselves from sitting on a particular application, the Chairman shall designate one of the alternate members to sit in place of the absent or recused member.
 2. Such alternate shall have all the powers and duties of a voting member in regards to any matter under consideration on which the alternate has been appointed.
 3. If the Board's consideration of action on the application at issue extends to a subsequent Board meeting or hearing, the voting member may resume their role as a full voting member provided

the voting member has reviewed the minutes and any materials submitted at any prior meetings at which the voting member was not present.

4. Otherwise, the alternate should continue in place of the voting member until the Board's action on the application is completed.
 5. Alternate members should attend all meetings to familiarize themselves with the workings of the Board to stand ready to serve whenever a voting member of the Board is unable to fulfill his/her responsibilities.
 6. Alternates who are not activated to fill the seat of an absent or disqualified member or who have not been appointed by the chair to temporarily fill the unexpired term of a vacancy may participate with the Board in a limited capacity.
 7. Alternates may sit at the table during a public hearing with the voting members and may view documents, listen to testimony, and actively participate and interact with other Board members, the applicant, abutters, and public. Alternate members shall be seated together from regular members unless they are sitting in place of another member.
 8. However, they shall not be allowed to make or second motions and shall not participate in any way during the deliberations by the Board.
 9. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motions or votes that may be made.
 10. At all times, the chair shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application prior to hearing the application.
- d. Members and alternates are expected to attend each meeting of the Board to exercise their duties and responsibilities.
 - e. Any member or alternate unable to attend a meeting shall notify the Land Use Office as soon as possible.
 - f. All Members, including the Chairman, the Vice Chair, and the ex-officio, may participate in the decision-making process, unless through the recusal process is disqualified from doing so.
 - g. The voting panel shall either abstain from voting or vote to approve or disapprove all motions under consideration.
 - h. Each newly appointed or re-appointed member or alternate shall be sworn in and take an oath of office as required by RSA 42:1, and the Board further recommends that each newly appointed or re-appointed member complete the training offered by the Office of Energy and Planning pursuant to RSA 673:3-a.
 - i. The Land Use Office shall record and maintain the names and terms of each Board Member and alternate, past and present.

4. OFFICERS

- a. The officers of the Board shall be as follows:
 - i. Chairman: Shall preside over all meetings and hearings; shall prepare an annual report; and shall perform all other duties customary to the office. The ex officio member shall not be Chairman.
 - ii. 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 in the absence of the Chairman.
 - iii. Presiding Member Pro Temp: In the absence of the Chairman and the Vice Chairman at any meeting, a Presiding Member Pro Temp shall be designated by the Chair or Vice-Chair or elected by majority vote of the members present and shall thereafter act as the presiding officer to call the meeting to order.
- b. The officers of the Board shall be elected as follows:
 - i. A member must have served on the board for at least six months to be eligible for Chairman or Vice-Chairman.
 - ii. Officers shall be elected annually within 45 days after Town elections are final.
 - iii. Election of Officers shall be by majority vote of the Planning Board.
 - iv. Officers shall serve one year terms as Chairman or Vice-Chairman and may be reelected for consecutive terms.

5. Quorums.

- a. A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of voting members.

6. Disqualification

- a. If any member finds it necessary to be disqualified from sitting on a particular case, as provided in **RSA 673:14**, they shall notify the Chairman as soon as possible so an alternate may be appointed to fill the vacancy.
 - i. The disqualification shall be announced by either the Chairman or the member before discussion or public hearing on the application begins.
 - ii. The continuation of the discussion or public hearing shall await the outcome of the possible disqualification.
 - iii. The member disqualified shall leave the Board table during all deliberations and the public hearing on the application has commenced
 - iv. If uncertainty arises as to whether a Board member should disqualify themselves, on the request of that member or the request of another member of the Board, the Board shall vote on the question of whether that member should be disqualified.
 - 1. Such request and vote shall be made prior to or at the commencement of any required public hearing if possible.

2. A vote on a question of disqualification shall be advisory and non-binding, and may not be requested by persons other than Board members.

7. Applications for Subdivision and Site Plan Review:

- a. An application which the Board must accept as complete in order to invoke the Board's jurisdiction shall be submitted to the Land Use Office at least 21 days prior to the Board's meeting per the Town's Subdivision and Site Plan Regulations, internal policies, and RSA 676:4,1(b).
 - i. The Land Use Office shall provide these materials to the Board at least one week prior to that meeting.
- b. Once an application has been accepted as complete, any additional materials requested by the Board and/or submitted by the applicant, town staff, abutters, or any other party or entity with standing to appear and provide comment, shall provide those materials to the Land Use Office no later than one week prior to the meeting.
 - i. The Land Use Office shall provide these materials to the Board four (4) days prior to the meeting.
- c. In providing submitted materials to Board members, the Land Use Office may have the materials available at the office for members to pick up, or may email the materials to each member if those materials are in electronic format.
- d. Applications shall be made on forms provided for that purpose and shall be presented to the Board's designee who shall sign and record the date of receipt.
- e. Notice shall be given as required in **RSA 676:4, 1(d)**, at least 10 days before an application is submitted to the Board.
 - i. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given.
 - ii. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing.
- f. Submitted applications shall be scheduled for consideration of completeness at the next regular meeting or within 30 days following the delivery of the application, for which notice can be given.
- g. The Board shall reject all applications not properly completed.
- h. All forms prescribed herein and revisions thereof shall be adopted by resolution of the Board and shall become part of these rules of procedure.
- i. Public notice of the submission of and public hearings on each application shall be given in a newspaper of general circulation in the Town of Barrington and shall be posted in at least two (2) public places at least ten (10) days prior to the date fixed for submission and consideration of the application, and/ or as further required by the Town's Subdivision and Site Plan Regulations.
 - i. The Board may combine notice of submission and public hearing on a particular application in one notice.

- j. Personal notice shall be made by certified mail to the applicant, all abutters and any other appropriate person or entity at least ten (10) days prior to the date fixed for submission of the application to the Board. Such notice is meant and intended to comply with the provisions of RSA 676:4, I (d)

8. MEETINGS

- a. Regular meetings shall be held at least monthly at the Town Offices at (6:30 PM) on the first Tuesday and most third Tuesdays of each month, or with proper notice of date and time at a place designated by the Chair.
- b. Special meetings may be called by the Chairman or in her/his absence, by the Vice-Chairman, or at the request of three members of the Board provided public notice and notice to each member is given at least 48 hours in advance of the time of such meeting.
 - i. The notice shall specify the purpose of the meeting. Emergency meetings are an instance of special meeting and are to be conducted pursuant to RSA 91-A:2 (II).
- c. Nonpublic Sessions shall be held only in accordance with RSA 91-A:3.

9. Meeting Decorum

- a. Members should dress in a way that respects those that are presenting applications to the Board who generally dress business casual or dressier.
- b. Members act in a quasi-judicial capacity when considering applications.
 - i. Members therefore may not discuss anticipated or pending cases with an applicant, abutter or other member of the public outside of a public meeting.
 - ii. If someone approaches a member to discuss a specific application, the member should inform that person that s/he cannot discuss the matter outside of a meeting.
 - 1. If the person nonetheless continues, the planning board member should listen, make no comments in response, and document the conversation in a memorandum to be shared with the entire board at its next meeting.
- c. The Chair shall be responsible for the orderly conduct of business at each Board meeting.
- d. While the Board is in session, the members of the Board are expected to preserve order and decorum and the chair shall monitor that expectation.
 - i. As illustration and not limitation, no Board member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Board or disturb any member of the Board while speaking.
 - ii. Members wishing to speak shall discreetly notify the Chair of that intent and wait for the Chair to call on them.
 - iii. Notifying the Chair of a desire to provide input or ask a question also notifies all Members that one or more Members want input without having Members speak over each other to get into a conversation.

- iv. It is the Chair's responsibility to ensure each Member gets a chance to speak and do so before a conversation gets so long that everybody is ready to move on.
- v. Members should try to keep their comments focused to allow other Members to have input while simultaneously keeping the meeting moving.
- vi. Members should not move on to another issue without requesting to do so in order for the Chair to give other Members a chance to speak on that same issue.
- vii. Members should try to get their technical questions answered before the meeting by communicating with Staff so as to not bog down the Public Hearing with discussion of individual technical issues caused not by the Application under consideration but by a member's lack of technical knowledge of the issues raised.

10. Order of Business

- a. Call to Order: At the time appointed for any meeting of the Board, the Chairman or, in his/her absence, a designated presiding officer shall be determined and call the meeting to order.
 - i. If a quorum is present, , the presiding officer shall proceed with the order of business prescribed for the meeting.
- b. Roll Call: The roll of members shall be called and their presence or absence recorded.
- c. Minutes of Previous meeting(s) received, reviewed, corrected, and approved.
- d. Hearing(s) on subdivision/site plans with public comment following each presentation as might be on the agenda.
 - i. Also, open non-binding consultation with persons seeking a conceptual review.
- e. Communication received or directed to the Board.
 - i. Internal Communications
 - ii. External Communications
- f. Reports of Officers and/or committees
 - i. Standing Committees
 - ii. Ad Hoc committees
- g. Report from the Planner
 - i. Status of all pending applications
 - ii. Logged events since last report
 - iii. Summary of items being called to the Board's attention
- h. Unfinished business
- i. Other business as may properly come before the Board
- j. Setting of date, time and place of next meeting and Adjournment

11. Conducting Business

- a. The Chair shall allow Staff to have input on an application before motions are made.
 - i. That input may or may not be in the form of a recommendation but shall include technical guidance and issues that the Board will need to consider.
 - ii. Staff shall indicate if the proposal on the application conforms to Town code and regulations.
 - iii. Staff recommendations are not binding.
 - iv. Staff input during a hearing may reflect information provided at the hearing and therefore may update written Staff Analysis material provided to Board members prior to the hearing.
- b. The Chair may allow motions as will facilitate the process of the Board.
 - i. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members voting.
 - ii. Since law does not require voting by roll call, the Chair shall decide on the method of voting but regardless of method, the minutes shall indicate how the Board voted.
 - iii. Motions that approve an application shall state that the application conforms to the Towns written codes and regulations.
 - iv. Motions that set restrictions on an application shall state the purpose of those restrictions.
 - v. Motions that disapprove an application shall include reasons for the denial.

12. PUBLIC HEARINGS:

- a. The conduct of public hearings shall be governed by the following rules:
 - i. The Chairman shall call the hearing in session, identify the applicant or agent and shall read a summary report on the application/proposal and report on the manner in which public and personal notice was given.
 - ii. The Chair shall ask the Applicant or Applicant's representative to present the Application to the Board.
 - 1. Members of the Board may ask questions at any point during the presentation for the purpose of obtaining clarification of something that was said by the Applicant or to better understand what the Application is proposing.
 - 2. Questions related to the merits of the application shall wait until the Application has been approved as complete.
 - iii. The Board shall decide if waivers need to be approved prior to accepting the Application as complete and if so shall proceed to the waiver approval process.

1. Motions to approve a waiver shall contain and be based on the criteria set forth in the waiver provisions of the applicable regulations.
- iv. The Board shall decide if the Application is complete and if so shall vote to accept the application as complete.
- v. The Chair shall announce that public comment is open but will allow Board Members first chance to ask questions.
 1. During the time public comments are open, any party to the matter who desires to ask a question of another party must go through the Chairman, who will identify the person to answer the question.
 2. Any applicant, any abutter, or any person with a direct interest in the matter may testify in person or in writing.
 3. Other parties such as representatives of town departments and other Town Boards and Commissions who have interest in the application/proposal shall be allowed to present their comments in person or in writing.
 4. Other persons may testify as permitted by the Chair at each hearing.
 5. Each person who speaks shall be required to come to the podium and state their name and address and indicate whether they are a party to the matter or an agent or counsel to a party to the matter.
 - a. Board Members should refrain from debate with those making public comment.
- vi. The Chairman shall indicate when the Board is no longer taking public comment and whether the hearing is closed or adjourned pending submission of additional material or information or the correction of noted deficiencies.
 1. Once a final vote on an application has been taken and the decision has been announced, no further input from either the public or the board shall be taken.
 2. In the case of adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

13. DECISIONS

- a. The Board shall act to approve, conditionally approve, or disapprove an application within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in **RSA 676:4**.
- b. A written notice of decision will be made available for public inspection at the Barrington Land Use Office 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 reasons for the disapproval.

14. RECORDS

- a. Minutes shall record the vote on each agenda item and summarize concerns, recommendations, and explanations of votes made by Board Members and Alternate Board Members.
- b. Except as noted for recused Members, all Members present when Minutes are being discussed are eligible to participate in approving minutes.
 - i. Voting Members and Alternate Members who were recused from an agenda item are not eligible to participate in the discussion of that item during review and approval of minutes but are eligible to participate on all other items.
 - ii. Changes to minutes may be suggested by eligible members and the minutes shall be changed or not changed based on the consensus of eligible members.
 - iii. After all items of the Minutes have been discussed and modified as agreed, the Chair shall approve the minutes as a whole if there are no objections or with unanimous consent.
- c. The records of the Board shall be kept in the Barrington Land Use Office and shall be made available for public inspection at that office as required by RSA 91-A:4.
- d. Minutes of the meeting 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 within 5 business days after the meeting as required in RSA 91-A:2, II.
- e. Motions shall be recorded as made, noting the motion maker, second, discussion if any, and the vote. Since law does not require voting by roll call, the Chair shall decide on the method of voting and if by roll call, the minutes shall indicate how each member voted.

15. JOINT MEETINGS AND HEARINGS

- a. The Planning Board may hold joint meetings and hearings with other “land use Boards” including the Board of Adjustment, the Historic District Commission, the Building Code Board of Appeals, and the Building Inspector. Each board shall have discretion whether or not to hold such joint meeting or hearing (**RSA 676:2**).
- b. Joint business meetings with another local land use board may be held at any time when called jointly by chairman of the two boards.
- c. A joint public hearing to review an application must comply with RSA 676:2 and all statutory and regulatory requirements that are applicable to the individual boards based upon the subject matter of the hearing.
- d. The Planning Board chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
- e. The rules of procedure for joint meetings and hearings, the subject matter of which involves the Planning Board, shall be the same as these rules of procedure except that the order of business shall be as follows:
 - i. Call to order by Chairman
 - ii. Introduction of members of both Boards by Chairman.

- iii. Explanation of reason for joint meeting/hearing by Chairman
 - iv. 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, and the public allowed to provide comment.
 - v. Adjournment
- f. Each Board involved in a joint public hearing makes its own decision, based on criteria for the particular matter.

16. AMENDMENT:

- a. The Board's Rules of Procedure may be amended by a majority vote of its members. Rules of procedure shall be adopted at a regular meeting of the board and shall be placed on file with the Town Clerk for public inspection. (RSA 676:1)