

# HAMPSTEAD PLANNING BOARD

11 Main Street, Hampstead New Hampshire 03841-2033

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## RULES OF PROCEDURE

### **Section I - Authority**

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

### **Section II – Members and Alternates**

1. The Hampstead Planning Board shall consist of seven elected members. The Board may appoint up to five (5) alternate members. The Selectmen shall designate one selectman as an ex-officio member with the power to vote and one alternate ex-officio member with the power to vote.
2. Alternate members, once appointed to sit in place of regular members by the Chairman, will have full participation and voting rights as a regular member.
3. If the alternate member is to sit in place of the Chairman or Vice Chairman, those official roles assigned to those positions will be carried out by a regular member of the Board.
4. Alternate members who are not appointed by the Chairman to fill in the seat of an absent or recused member may fully participate, with the exception that they may not make or second a motion, vote or participate in discussions on the motion.
5. Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673.
6. Members must reside in the community and are expected to attend each meeting of the Board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the chairman as soon as possible. Members, including the chairman and all officers, shall participate in the decision-making process and vote to approve or disapprove all motions under consideration.
7. Each newly elected or re-elected, or appointed including a re-appointed member or alternate shall be sworn in and take an oath of office as required by RSA 42:1.
8. The Secretary shall forward to the municipal clerk for recording the appointment or election and expiration dates of the terms of each member and alternate member of the Board.
9. The Secretary will maintain a record of designation of alternate members as voting members to assist the Chairman.

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### **Section III - Officers**

1. The duties of the officers of the Board shall be as follows:
  - a. Chairman: The Chairman shall preside over all meetings and hearings; shall prepare, with the assistance of the Secretary, an annual report; and shall perform other duties customary to the office. Alternate members shall be selected by the Chairman at his discretion.
  - b. Vice Chairman: 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 in the absence of the Chairman.
  - c. Secretary: The Secretary shall keep a full and accurate record of the proceedings of each meeting; issue notices of all meetings; record the names of members present; notify applicants and abutters of hearings; and prepare such correspondence and fulfill such duties as the Chairman may specify. In the absence of the Secretary, the Chairman shall appoint a Secretary pro tem to keep records of the meeting.
2. The officers of the Board shall be elected annually during the month following Town Meeting by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.

### **Section IV - Meetings**

1. Regular meetings shall be held in the Meeting Room of the Town Office Building, 11 Main Street, Hampstead, NH beginning at 7:00 P. M. on the first and third Monday of each month.
2. The first meeting of the month is to conduct Public Hearings.
3. Special meetings may be called by the Chairman or in his/her 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. The notice shall specify the purpose of the meeting.
4. Nonpublic Sessions: These shall be held only in accordance with RSA 91-A: 3.
5. Quorum: A majority of the membership of the Board shall constitute a quorum.
6. Disqualification: If any member finds it necessary to be disqualified from sitting on a particular case, as provided in RSA 673:14, the disqualification shall be announced by either the Chairman 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.

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7. If uncertainty arises as to whether a Board member should disqualify her/himself, 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. 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.

A motion duly seconded, shall be carried by an affirmative vote of a majority of the members present. Voting shall be by voice vote and a roll call shall be recorded upon request.

8. If there is a tie vote, then another motion should be discussed and worded in a way that would not result in a tie vote.

9. If there is a failed motion, the board could try another motion to get a motion to pass.

10. Order of Business normally shall be as follows:

- a. Call to Order by Chairman
- b. Roll call by the Chair
- c. Consider completeness and acceptance of applications
- d. Hearings on subdivisions/site plans/conditional use permits
- e. Other business – public comment
- f. Reading communications directed to the Board
- g. Report of Officers, Committees, Engineering Consultant
- h. Approval of Minutes
- i. Non-Public Session

11. The order of business may be modified at the discretion of the Chairman.

### **Section V – Application for Subdivision and Site Plan Review**

1. Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the Secretary 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, I (d) 10 days before a completed application is submitted to the Board.
3. Completed applications shall be accepted by a majority vote of the Board and shall be scheduled for consideration within 30 days of acceptance. The determination of completeness and acceptance can be done at one public hearing, if appropriate.
4. The Board shall reject all applications not properly completed.

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### **Section VI - Forms**

1. All forms, including but not necessarily limited to application, checklist, and waiver requests, prescribed herein and revisions thereof shall be adopted by resolution of the Board and shall become part of these rules of procedure.

### **Section VII - Notice**

1. Public notice of the submission of and public hearings on each application shall be given in a The Union Leader and by posting at the Town Office Building and the Hampstead Public Library, not less than ten (10) days prior to the date fixed for submission and consideration of the application. Posting requirements cannot count the day of the posting and the day of the meeting in the 10 days prior to the meeting.
2. Personal notice shall be made by certified mail to the applicant, all abutters, and any professional whose seal appears on any plat not less than ten (10) days prior to the date fixed for submission of the application to the Board.

### **Section VIII - Public Hearings**

1. The conduct of public meetings shall be governed by the following rules:
2. The Chairman shall call the hearing in session, identify the applicant or agent and ask for Town Engineer's report on the proposal.
3. The application shall be read; the manner in which the public and personal notice was given shall be reported.
4. The Board considers, completeness, waivers (if any) and acceptance. If the application is complete the chair opens the public hearing for the applicant to make their presentation.
5. The applicant or agent shall be called to present the proposal and those appearing in favor of the proposal shall be allowed to speak.

Members of the Board may ask question at any point during the presentation.

Any party to the matter who desires to ask a question of another party should direct the question to the Chairman.

Any applicant, any abutter or any person with a direct interest in the matter may testify in person or writing. Other persons may testify, as permitted, by the Board at each hearing.

Each person who speaks shall be required to state his or her name and address and indicate whether he or she is a party to the matter, or an agent, or counsel to a party to the matter.

Those in favor or in opposition may speak.

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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.

The Chairman 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 a continuance, additional notice is not required if the date, time and place of the continuation is made known to the public at the adjournment.

### **Section IX - Decisions**

1. The Board shall render a written decision within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in RSA 676:4.
2. The Board shall act to approve, conditionally approve, or disapprove.
3. Notice of decision will be made available for public inspection at the Town Office Building, 11 Main Street, Hampstead, NH 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 for this disapproval.

### **Section X – Reconsideration, Appeal, and Court Review of Planning Board Decisions**

1. The Planning Board may reconsider any decision to approve or disapprove an application, for good cause, provided it is within the statutory appeal period. This may be done through a motion that specifies the reasons for reconsideration. Upon successful passage of the motion, the Board shall schedule a public hearing, with notice as provided in 676:4, I(d), where they shall consider whether or not to revise or alter their original decision. Should the Board reach a new decision, a new appeal period shall be considered to have begun pursuant to RSA 677:15. Et seq.

### **Section XI – Records**

1. The records of the Board shall be kept by the Secretary and shall be made available for public inspection at the Office of the Planning Board, 11 Main Street, Hampstead, NH as required by RSA 91-A-4.
2. The 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 the public inspection within 5 business days of the public meeting as required in RSA 91-A:2, II.
3. If a website is maintained, RSA 91-A:2, II-b (effective January 1, 2018) requires that approved minutes must also be posted on the website in a consistent and reasonably accessible location, or a notice must be posted and maintained on the website stating where minutes may be reviewed and copies requested.

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### **Section XII – 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, the Building Code of Appeals, and the Building Inspector. Each Board shall have discretion whether or not to hold such joint meeting or hearing. RSA 676:2.
2. Joint business meeting with another local land use board may be held at any time when called jointly by the chairman of the two boards.
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.
4. The Planning Board chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
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 rules of procedure except that the order of business shall be as follows:
  - a. Call to order by the Chairman
  - b. Introduction of members of both boards by the Chairman
  - c. Explanation of reason for joint meetings or hearings by the Chairman
  - d. In the case of a public hearing relative to a requested permit or an application for plat approval, or both, the applicant shall be called to present his proposal.
  - e. Adjournment
6. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

### **Section XIII - Amendment**

1. The Board’s rules of procedure may be amended by a majority vote of its members. The Board shall hold a public hearing prior to adoption of new rules or amendment of existing rules. Notice for the time and place of the hearing shall be as provided in RSA 675:7. The amended procedures shall be filed with the Town Clerk.

Adopted September 3, 1991

Amended April 15, 2002

Amended June 2, 2008

Amended May 7, 2012

Amended April 1, 2013

Amended October 5, 2015

Amended April 4, 2022