

TOWN OF WARNER, NEW HAMPSHIRE



PLANNING BOARD BYLAWS AND RULES OF PROCEDURE

Table of Contents

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PURPOSE AND INTENT	3
AUTHORITY	4
MEMBERS	4
OFFICERS	4
COMMITTEES	5
MEETINGS	5
SITE VISITS	6
JOINT MEETINGS AND HEARINGS	6
DISQUALIFICATION	7
BUSINESS BEFORE THE BOARD	7
APPLICATION/DECISION	8
PUBLIC NOTICE	8
PUBLIC HEARING	9
RECORDS	10
AMENDMENTS	10

**TOWN OF WARNER PLANNING BOARD
BYLAWS AND RULES OF PROCEDURE**

PURPOSE AND INTENT

These Bylaws and Rules of Procedure shall govern the operation of meetings and business before the Warner Planning Board in carrying out its duties and responsibilities as assigned to it by the ordinances of the Town of Warner and the Laws of the State of New Hampshire. Where there appears any conflict between these Rules and either state laws or the Town Charter, the Law and Charter shall govern.

For any item of parliamentary procedure not governed by these rules or by appropriate laws, the provisions of Robert's Rules of Order (Revised) will govern.

TOWN OF WARNER
Planning Board
Bylaws and Rules of Procedure
Adopted on June 9, 1986
Revised August 1, 2005
Revised December 10, 2007
Revised October 5, 2009

AUTHORITY

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

MEMBERS

- A. The Planning Board shall consist of seven members. The Selectmen shall designate one selectman or administrative official as an ex-officio member with power to vote, and shall appoint six other members who are residents of the Town.
- B. Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673.
- C. Up to three alternate members may serve on the Planning Board as authorized by RSA 673:6, and as appointed by the Board of Selectmen. The Planning Board may recommend to the Board of Selectmen suitable candidates to serve as alternates.
- D. All forms and revisions prescribed shall be adopted by resolution of the Board and shall become part of these rules and procedures.
- E. Each newly appointed (including re-appointed) member shall be sworn in and take an oath of office as required by RSA 42:1.
- F. The Secretary shall forward to the municipal clerk for recording the appointment and expiration dates of the terms of each member of the Board.
- G. All members, including alternates, are required to attend all meetings of the Board. More than three (3) unexcused absences in a twelve-month period may be cause for review of that individual's ability to perform the duties assigned.

OFFICERS

- A. The following officers shall be elected annually in the month of April by majority vote of the Board members:

1. **Chairman:** The Chairman shall preside over all meetings and hearings; shall prepare, with the assistance of the Secretary, an annual report; shall appoint such committees as directed by the Board; and shall perform other duties customary to the office.
 2. **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.
 3. In the absence or unavailability of the Chair and Vice Chair, the members present shall select a Full Member to exercise the duties of the Chair.
- B. A Secretary/Clerk shall be recommended by a majority vote of the Planning Board to the Board of Selectmen, which shall have final authority to make a hiring decision. The Secretary/Clerk shall maintain a record of all meetings, transactions and decisions of the Board, and perform other such duties as may be set forth in the job description
- C. All officers shall serve for one year and shall be eligible for re-election.

COMMITTEES

The first regular meeting held in April, or as soon as deemed appropriate by the Board, will be the organizational meeting during which standing committees are appointed, representatives to particular organizations elected and the Planning Board goals and objectives are established for the coming year.

MEETINGS

- A. Regular meetings shall be held at the Warner Town Hall at 7:00 p.m. on the first Monday of each month unless otherwise posted. Other meetings may be held on call of the Chair or Vice-Chairman, provided public notice is given at least five (5) days [excluding Sundays and legal holidays] in advance of such meetings.
- B. Planning Board meetings will end no later than 10:00 p.m. Any items remaining on the agenda will be heard first at the next scheduled monthly meeting.
- C. Nonpublic sessions shall be held only in accordance with RSA 91-A:3.
- D. **Quorum:** A majority of the membership of the Board shall constitute a quorum necessary to transact business, including alternates sitting in place of regular members.
- E. All votes on any matters to come before the Board shall be taken after the matter has been duly moved, seconded and discussed. Unless otherwise stated, all matters

shall be decided by the majority vote of all of those members (both regular and designated alternates) present and voting.

- F. If any regular Board member is absent from a meeting or hearing, or disqualifies him or herself from sitting on a particular application, the Chairman shall designate one of the alternate members to sit in place of the absent or disqualified member. If the ex-officio member is absent, only another member of the Board of Selectmen may be designated as an alternate to sit in the place of the absent ex-officio member. 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.
- G. The Chairman will vote only to break a tie or create a quorum, but may make or second a motion.
- H. The use of electronics shall be for Planning Board purposes only.

SITE VISITS

- A. **Site Visit.** A “site visit” is defined as a visit by the Board or member(s) of the Board to a location which is the subject of an application before the Board, and involves going onto the property or visiting areas which are not customarily available for public inspection.
- B. **Drive-by.** A “drive-by” is defined as a visit by the Board or member(s) of the Board to locations which include a view of a site from an adjoining public highway or other observation point that can be made without entering onto the property.
- C. **Request.** When the Board deems it necessary for the adequate consideration of an application, the Chairman shall request the applicant to allow a site visit by the Board or Board members. At the same time, the Chairman may ask if unaccompanied visits will be permitted.
- D. **Scheduling.** The Chairman shall schedule a site visit for Board membership, and it shall be noticed as a meeting of the Board in accordance with RSA 91-A. If unaccompanied visits are permitted, members may visit individually.
- E. **Minutes.** Minutes of site visits shall be kept only if there is a quorum of the Board conducting the site visit.

JOINT MEETINGS AND HEARINGS

- A. RSA 676:2 provides that the Board may hold joint hearings with other town boards and commissions, including the Zoning Board. Each board shall have discretion as to whether or not to hold a joint meeting with any other board.

- B. Joint business meetings with any other land use board may be held at any time when called jointly by the Chairmen of the two boards.
- C. If the other board is the Zoning Board, RSA 676:2 requires that the Planning Board Chairman shall chair the joint hearing.
- D. The provisions covering the conduct of public hearings, set forth in these rules, together with such additional provisions as may be required by the other board, shall be followed; and the other board shall concur in these conditions.
- E. Special Exception or Variance requests shall be presented first.
- F. Any board member of either board may ask questions at any time.
- G. No decision shall be made by either board until the Joint Hearing is over.
- H. Each board will discuss and vote on its own decisions after the hearing is closed, or on a date specified before the meeting is adjourned.

DISQUALIFICATION

Any member who finds it necessary to disqualify him or herself from sitting on a particular application shall notify the Chairman as soon as possible so that an alternate may be requested to sit in that person's place. The disqualification shall be announced by either the Chairman or the disqualified member before the beginning of the public hearing on the application. The disqualified member shall step away from the board table during the public hearing and during all deliberations on the application. Any Board member who is an abutter to a property under review by the Board shall not sit for any hearing, review or vote on the application.

BUSINESS BEFORE THE BOARD

Business before the Board, as set forth in a published agenda, shall generally consist of the following:

- A. Roll Call
- B. Minutes of previous meeting
- C. Review of applications submitted
- D. Acceptance or rejection of applications submitted
- E. Close meeting and open Public Hearing
- F. Hold hearing
- G. Close Public Hearing and re-open meeting
- H. Unfinished business
- I. New business

- J. Communications and Miscellaneous
- K. Such other business as the Board may deem appropriate
- L. Adjournment

APPLICATION/DECISION

- A. Each application shall be made on forms provided by the Board and shall be presented to the Board Secretary/Clerk who shall record the date of receipt over his or her signature.
- B. At each meeting, the Secretary/Clerk shall present to the Board all applications received during regular office hours at least 15 days prior to the meeting at which the application is to be considered for acceptance. Any plans (including modifications) or additional materials must be submitted at least 15 days before the meeting at which the Board may consider them.
- C. Completed applications shall be accepted by majority vote of the Board and shall be scheduled for consideration within 30 days of acceptance.
- D. 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.
- E. The Board shall act to approve, conditionally approve, or disapprove.
- F. Notice of decision will be made available for public inspection at the Board's office in the Warner Town Hall within 144 hours 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.
- G. All forms and revisions prescribed shall be adopted by resolution of the Board and shall become part of these rules and procedure.
- H. Decisions on applications shall conform to the applicable provisions of the RSA's and Zoning Ordinance.

PUBLIC NOTICE

- A. Public notice of applications to be placed on the agenda (or for which public hearings are to be held) shall be given in the Concord Monitor and shall be posted at 3 locations in Warner, including the Warner Town Hall, not less than 10 days before the date fixed for the hearing. Notice shall include the name of the applicant, description of the property or project, action desired by the applicant, location of the property or project, zone designation, the date, time and place of the hearing.

- B. Personal notice shall be made by regular mail to the applicant and by certified mail to all abutters not less than 10 days before the date fixed for the hearing. Notice shall also be given to other parties deemed by the Board to have special interest. Said notice shall contain the same information as the public notice and shall be made on forms provided for this purpose.

PUBLIC HEARING

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

- A. The Chairman shall call the hearing in session and ask for the Secretary/Clerk to confirm that all proper notice has been given, and that all fees have been paid.
- B. The applicant or designated representative shall describe the purpose of the application and review the information provided on plats provided as part of the application.
- C. Members of the Board may ask questions at any point during testimony.
- D. Abutters will be called upon to ask questions or make comments on the application.
- E. Other members of the public will be called upon to ask questions or make comments on the application.
- F. Each person who appears shall be required to state his or her name and address and indicate whether that person is a party to the applicant or an agent or counsel of a party to the applicant.
- G. The Chairman shall have discretion to limit the amount of time taken by each speaker and whether a single person shall be permitted to address the Board more than once.
- H. Any member of the public who wants to ask a question of a party to the application must do so through the Chairman.
- I. The Board will hear with interest any evidence which pertains to the facts of the application or how the facts relate to the provisions of the town Zoning Ordinance, Master Plan, or state zoning and planning statutes or affect abutting land owners.
- J. The hearing on the application, unless adjourned and continued, shall be declared closed, and the meeting reopened.
- K. 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.

RECORDS

- A. The records of the Board shall be kept by the Secretary/Clerk and made available for public inspection in the Board's office in the Warner Town Hall, in accordance with RSA 676:3, II.
- B. Minutes of all meetings, including names of Board members, persons appearing before the Board, a brief description of the subject matter discussed, and all votes taken shall be open to public inspection in accordance with RSA 91-A:2, II.

AMENDMENTS

These rules of procedure may be amended by a majority vote of the members of the Board, provided that such amendment is read at two successive meetings immediately preceding the meeting at which the vote is to be taken.