



Town of Middleton

182 Kings Highway, Middleton, New Hampshire 03887

PLANNING BOARD MEETING & HEARING MINUTES

Middleton Old Town Hall
200 Kings Highway
Middleton, NH 03887

July 10, 2025 at 6:00 p.m.

These minutes serve as the legal record and are in the form of an overview of the Planning Board meeting. It is neither intended nor is it represented that this is a full transcription. A recording of the meeting is available online at <https://www.youtube.com/@townofmiddleton9741/streams> for a limited time for reference purposes.

Meeting called to order by Christine Maynard at 6:01 p.m.

Pledge to the Flag

Roll Call

Members present: Christine Maynard (Chair), Kate Buzard (Vice Chair), John Quinn (SLVD Rep), Roxanne Tufts-Keegan (BOS Rep),

Attachments

June 2025 Building Permit Report
Signed Zoning Ordinance Adopted Signature Sheet
Land Use Inquiry Form (Draft)
Rules of Procedure

Zoning Ordinance Updates & Revisions

C. Maynard summarized her recent discussion with Blair Haney from Strafford Regional Planning about assistance in prioritizing future changes as well as getting an estimate of charges that may be incurred. She suggested the possibility of a warrant article to request funds. Blair told her enforcement is an obstacle for other towns as well.

There was discussion about the need to consider and incorporate changes in the law that passed recently. NHMA is providing some guidance for municipalities through documents on their website and via a webinar at the end of the month.

There was discussion about costs for Strafford Regional Planning's assistance and the need to keep track of current and future expenses of time and money.

There was discussion about Zoning Ordinance article revisions and how to prioritize them:

- Manufactured home parks
- ADU
- Family compound (adding requirement for affidavit)
- Erosion control (most often in Subdivision/Development Regulations)
- Airbnb (Blair will investigate recent changes) as a possible revenue source
- Fences (should be easy to clarify)

There was discussion about how to monitor rentals and getting information on what other towns are doing. **R. Willis** will ask Avitar how rental properties are assessed.

J. Quinn said RSA 674:16 covers the Town's regulation of short-term rentals.

K. Buzard said if we don't have an article pertaining to Manufactured Housing, it's governed by the RSA (674:32). She suggested Christine verify that with Blair.

R. Tufts-Keegan reviewed the highlights of what the RSA covers.

J. Quinn said there are still some large parcels of land in Town.

K. Buzard said some roads were built poorly (Buttermilk, Drew and Pheasant are examples) and the cost to repair them should have been on the developer, not the Town.

There was discussion about the condition of the roads around the Lake.

C. Maynard brought up the problems the dust creates.

K. Buzard says permeable surfacing, which is expensive, would be the best solution.

J. Quinn cited New Durham Road as an example.

It was decided the order to prioritize the article revisions should be: Manufactured Housing, Fences, ADU, Family Compounds, Short Term Rentals and Erosion Mitigation.

J. Quinn suggested specific articles reference the State Statute so that if a statute changes the article does not need to be re-done. The more strict rule applies.

Land Use Inquiry Form

R. Willis will add the date the form is approved.

K. Buzard suggested adding a disclaimer saying more information may be required by the Board.

R. Tufts-Keegan made a motion to approve the form with the addition of the date and a line indicating more information may be needed.

J. Quinn seconded the motion.

Motion carried

R. Willis will make the changes and add the form to the website. She will also ask **T. Cremmen**, the website manager, to add the suggested verbiage referencing the form to the Department page.

C. Maynard asked if the lot on Lake Shore Drive across from the beach has wetlands.

K. Buzard gave suggestions on how to determine that and said the engineers that recently did a survey indicate that lot is partially wetlands. She said there is a 75' setback from wetlands for septic systems.

R. Tufts-Keegan said it's important to measure and comply with setback requirements, particularly with the properties near the Lake.

J. Quinn said since it has not changed in some time, the increase is necessary to cover the cost of expenses.

J. Quinn said it's important for residents to be aware of the increase in the Driveway Application Fee and that the review of bonding procedures is necessary to protect the town roads.

Planning Board Rules of Procedure

K. Buzard presented a document entitled Planning Board Procedures draft 3/02, 4-11-02 that needs to be reviewed and possibly updated. **R. Willis** will distribute copies via email with a document J. Mullen proposed to the Board last year.

There was discussion about the possibility of using revenue that comes in from Code Enforcement for fines and permits to offset expenses and what that would involve.

Adjournment

Roxanne Tufts-Keegan made a motion to adjourn the meeting at 7:27 p.m.

C. Maynard seconded the motion.

Motion carried.

The next meeting is scheduled for August 14, 2025 at 6:00 at the Old Town Hall.

Respectfully submitted by:

Robin Willis

proposed at
7/10/2024
PS mtf

RULES OF PROCEDURES

PLANNING BOARD, TOWN OF MIDDLETON, NEW HAMPSHIRE

AUTHORITY

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

MEMBERS AND ALTERNATES

1. The Planning Board shall consist of seven (7) members. The Selectmen shall designate one selectman as an ex-officio and an alternate ex-officio member with the power to vote.
2. Selection, qualification, term, member removal, and vacancy filling shall conform to RSA 673.
3. Alternate members may serve on the Planning Board as authorized by RSA 673:6 and participate as non-voting members.
4. Up to five alternate members shall be appointed, as provided for by the local legislative body. They should attend all meetings to familiarize themselves with the workings of the Board to stand ready to serve whenever a regular member of the Board cannot fulfill their responsibilities.
5. At planning board meetings, alternates who are not activated to fill the seat of an absent or recused 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. During a public hearing, alternates may sit at the table with the regular members. They may view documents, listen to testimony, and actively participate and interact with other board members, the applicant, abutters, and the public. However, they shall not be allowed to make or second motions. They shall not participate in any way during the deliberations by the Board. Upon the close of the public hearing, alternates must remove themselves from the table and sit with other members of the public unless they are sitting in place of another member. 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. At all times, the Chair shall fully inform the public of the status of any alternate present and identify the members voting on the application.
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 participate in 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 appointed (including re-elected or re-appointed) member shall be sworn in and take an oath of office as required by RSA 42:1.
8. The Secretary shall forward to the Town Clerk to record the appointment/election and expiration dates of the terms of each member of the Board.

OFFICERS

1. The officers of the Board shall be as follows:
 - 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.
 - 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.
 - Secretary: The Secretary shall keep a complete and accurate record of the proceedings of each meeting; issue notices of all meetings; record the names of the 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 of March by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.

MEETINGS

1. Regular meetings shall be held at least monthly at The Middleton Old Town Hall, 200 Kings Highway, Middleton, NH 03887, at 6:30 PM on a Thursday of the third week of each month.
2. Special meetings may be called by the Chairman or, in their 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 before such meeting. The notice shall specify the purpose of the meeting.
3. Nonpublic sessions shall be held only in accordance with RSA 91-A:3.
4. Quorum: A three(3) member majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular members.

If any regular Board member is absent from a meeting or hearing or disqualifies him/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. Such an alternate shall have all the powers and duties of a regular member regarding any matter under consideration on which the regular member cannot act. The alternate should continue until the matter is completed; the regular member does not vote.

5. Disqualification: If any member finds it necessary to be disqualified from sitting on a particular case, as provided in RSA 673:14, s/he shall notify the Chairman as soon as possible so that an alternate may be requested to fill the place. The disqualification shall be announced by either the Chairman or the member before the discussion or the public hearing on the application begins. Disqualified members shall leave the Board table during all deliberations and the public hearing.

If uncertainty arises as to whether a Board member should disqualify him/herself, on the request of that member or another member of the Board, the Board shall vote on whether that member should be disqualified. Such request and vote shall be made before or at the commencement of any required public hearing. A vote on a question of disqualification shall be advisory and non-binding. It may not be requested by persons other than board members.

[NOTE: Except as may otherwise be provided by local ordinance.]

6. Order of Business 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 subdivision/site plans
 - e. Other business - public comment
 - f. Minutes of the previous meeting
 - g. Reading of communications directed to the Board
 - h. Report of officers and committees
 - i. Unfinished business
7. A duly seconded motion shall be carried by an affirmative vote of a majority of the members present. Voting shall be by roll call, recorded in the minutes.
8. If there is a tie vote, 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.

PRELIMINARY DESIGN REVIEW

1. Applications for a Design Review Phase (676:4, II (b)) meeting with the Board shall be made on forms provided by the Board. They shall be presented to the planning staff, 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 such application is submitted to the Board.
3. The plan shall include, at a minimum, the following items:
 - a. A site location map placing the parcel in the larger context of the community;
 - b. A site survey showing pertinent features of the site;
 - c. An indication of any future subdivisions contemplated in or adjacent to the proposal;
 - d. A topographic map of the area;
 - e. Any soils information, such as permeability or boring data, that has been gathered;
 - f. A sketch showing the proposed layout of lots, streets, and recreation areas; watercourses; natural features and easements.
 - g. The standards and location for the signature block signifying the Town's approval.
4. The Board shall determine the conclusion of the Design Review Phase process and inform the applicant.

APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW

1. Applications for hearings before the Board shall be made on forms provided by the Board and presented to the planning staff, 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.

6. Any applicant, abutter, or person directly interested in the matter may testify in person or writing. Other persons may testify as permitted by the Board at each hearing.
7. Each person who speaks shall be required to state their name and address and indicate whether s/he is a party to the matter or an agent or counsel to a party to the matter.
8. The applicant or agent shall be called to present the proposal, and those appearing in favor of the proposal shall be allowed to speak.
9. Those in opposition to the proposal shall be allowed to speak.
10. Other members of the public may speak.
11. Other parties, such as representatives of town departments and other town boards and commissions interested in the proposal, shall be allowed to present their comments in person or in writing.
12. The Chairman shall indicate whether the hearing is closed.
13. Once the hearing is closed, the Board will deliberate and decide or continue the application pending the submission of additional material or information or the correction of noted deficiencies. In the case of a continuance, further notice is not required if the continuation date, time, and place are made known to the public at the adjournment.

DECISIONS

1. The Board shall render a written decision within Sixty-five (65) days of the date of acceptance of a completed application, subject to extension or waiver as provided in RSA 676:4. If the planning board does not act on the application within Sixty-five (65) days (unless the Board has determined that the application is a development of regional impact, which gives the Board an additional Thirty (30) days, then the governing body (selectmen) is required to approve the application.
2. The Board shall act to approve, conditionally approve, or disapprove.
3. Notice of the decision will be made available for public inspection on the Town's website and at least one (1) public place within five (5) business days after the decision is made, as required in RSA 676:3.
4. The decision shall include specific written findings of fact that support the decision. Failure of the Board to make specific written findings of fact supporting disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.

RECONSIDERATION, APPEAL, AND COURT REVIEW OF PLANNING BOARD DECISIONS (677:15)

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 successfully passing the motion, the Board shall schedule a public hearing, with notice as provided in 676:4, 1(d), where they shall consider whether to revise or alter their original decision. Should the Board reach a new decision, a new appeal period shall be deemed to have begun pursuant to RSA 677:15, et seq.

RECORDS

1. The Secretary shall keep the records of the Board and make them available for public inspection at the office of the Town Administrative Secretary for the Planning Board, as required by RSA 91-A:4.
2. Minutes of the meetings, including the names of Board members and persons appearing before the Board and a brief description of the subject matter, shall be open to public inspection within five (5) business days after the 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.

JOINT MEETINGS AND HEARINGS

1. The Planning Board may hold joint meetings and hearings with other "land use boards," including the Zoning 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).
2. Joint business meetings with another local land use board may be held at any time when called jointly by the presiding officers 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 Chairman 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 Chairman;
 - b. Introduction of members of both boards by Chairman;
 - c. Explanation of reason for joint meeting/hearing by Chairman;
 - d. In the case of a public hearing relative to a requested permit, an application for a plat approval, or both, the applicant shall be called to present his/her proposal;
 - e. Adjournment.
6. Each Board involved in a joint public hearing makes its own decision based on its criteria for the particular matter.

AMENDMENT

A majority vote of its members may amend the Board's rules of procedure. The Board shall hold a public hearing before adopting new regulations 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 municipal clerk.



*+ Planning Board
Recusal
from new
law*

**TOWN OF MIDDLETON, NEW HAMPSHIRE
PLANNING BOARD**

RULES OF PROCEDURE

AUTHORITY

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

MEMBERS AND ALTERNATES

- + Line Item
Board must approve
classified
RD Bldg*
1. The Planning Board shall consist of ~~seven~~ ^{up to} ~~five~~ members. The Selectboard shall designate one selectboard member as an ex-officio and alternate ex-officio member, both with power to vote.
 2. Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673.
 3. All Board Members shall conduct themselves in a just and legal manner, attend meetings and come prepared with necessary materials at hand.
 4. Each Board member is expected to avail themselves of learning opportunities such as Office of State Planning, New Hampshire Municipal Association and Strafford Regional Planning Commission training sessions that are offered throughout the year. Board members should also become knowledgeable with the Town Master Plan, Zoning Ordinance, Regulations and any resource materials received.
 5. Member resignations shall be in writing.
 6. Alternate members may serve on the Planning Board as authorized by RSA 673:6 and participate as non-voting members.
 7. Up to five alternate members shall be appointed, as provided for by the local legislative body, and should attend all meetings to familiarize themselves with the workings of the Board to stand ready to serve whenever a regular member of the board is unable to fulfill his/her responsibilities.
 8. At Planning Board meetings, alternates who are not activated to fill the seat of an absent or recused 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. During a public hearing, alternates may sit at the table with the regular members and may view documents, listen to testimony, and actively participate and interact with other Board members, the applicants, abutters and the public. However, they shall not be allowed to make or second motions and shall not participate in any way during the deliberations by the Board. Upon the close of the public hearing, alternates must remove themselves from the table and sit with other members of the public unless they are sitting in place of another member. 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. 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.

9. 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 Chair as soon as possible. Members, including the Chair and all officers, shall participate in the decision-making process and vote to approve or disapprove all motions under consideration.
10. Each newly elected or appointed (including re-elected or re-appointed) member shall be sworn in and take an oath of office as required by RSA 42:1.
11. The Planning Board Clerk shall forward the appointment/election and expiration dates of the terms of each member of the Board to the Website Manager and to the Municipal Town Clerk/Tax Collector for recording.

OFFICERS

1. The officers of the Board shall be as follows:

- Chair: The Chair shall preside over all meetings and hearings; shall prepare, with the assistance of the Clerk, an annual report; shall be the spokesperson of the Board, sign Plats and Documents on the Board's behalf and perform other duties customary to the office.
- Vice-chair: The Vice-Chair shall preside in the absence of the Chair and shall have the full powers of the Chair on matters that come before the Board in the absence of the Chair.

2. The officers of the Board shall be elected annually during the month of April by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.

CLERK

The Clerk may be an employee of the Town or an individual appointed by the Selectboard for a specific amount of time. If the Clerk is not an employee of the Town, s/he shall be reimbursed for expenses incurred and be given a yearly stipend, the amount of which shall be set by the Board. The Clerk's duties shall be:

1. Keep a full and accurate record of the proceedings of each meeting. Issue notices of all meetings, record the names of the members present, notify applicants and abutters of hearings, prepare such correspondence and fulfill such duties as the Chair may specify. In the absence of the Clerk, the Chair shall appoint a clerk pro tem to keep records of the meeting.
2. Prepare an agenda for meetings; notify members of special meetings; take the minutes of meetings/hearings, making copies for members and filing these records in the Planning Board binder, keep additional copies of records electronically when possible; update and gather educational materials for Board members; prepare and post notices of public hearings on the bulletin boards at the Old Town Hall and the Municipal Offices and send a copy to the Town Website Manager for posting; prepare and mail notices to abutters and those professionals whose names appear on the plat; ensure approved plans and actions of the Board requiring recording are recorded at Strafford County Registry; file plans in the Planning Map Drawer and give a copy

Approved:

Page #

By 1st of members + ten dates
Sworn in 4/11/20

to CAI for the annual Tax Map Update, to the Town Assessor, for the Assessing Database, file land use applications presented to the Board in the Planning Board file cabinet, update the Code Enforcement Officer/Building Inspector and Zoning Board of Adjustment of any Zoning Ordinance or Regulation changes, complete the annual Office of Planning & Development, New Hampshire Municipal Association and Strafford Regional Planning surveys; update these offices of changes in the Zoning Ordinance/Regulations and the names and contact information for Board members; update the Town Zoning Ordinance and Sub-Division Regulations as needed; other duties, as occasionally assigned by the Board.

MEETINGS

1. Regular meetings shall be held at least monthly at the Old Town Hall, 200 Kings Highway, at 6:00 p.m. on the second Thursday of each month.
2. Special meetings may be called by the Chair or, in his/her absence, by the Vice-chair, 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.
3. Nonpublic sessions shall be held only in accordance with RSA 91-A:3.
4. Quorum: A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular members.

If any regular Board member is absent from a meeting or hearing or disqualifies him/herself 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. Such alternate shall have all the powers and duties of a regular member in regard to any matter under consideration on which the regular member is unable to act. The alternate should continue until the matter is completed; the regular member does not vote on that matter.

5. Disqualification: Members shall excuse themselves from the Board whenever they have a conflict of interest in an application or issue before the Board, any issue of monetary gain with the project or any other conflict that would prevent an impartial decision. If any member finds it necessary to be disqualified from sitting on a particular case, as provided in RSA 673:14, s/he shall notify the Chair as soon as possible so that an alternate may be requested to fill the place.

The disqualification shall be announced by either the Chair 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.

If uncertainty arises as to whether a Board member should disqualify him/herself, 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 a 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.

6. Order of Business shall be as follows:

- a. Call to order by Chair
- b. Roll call by the Chair
- c. Consider completeness and acceptance of applications
- d. Hearings on subdivision/site plans
- e. Other business - public comment
- f. Minutes of previous meeting
- g. Reading of communications directed to the Board
- h. Report of officers and committees
- i. Unfinished business

7. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present. If a member is participating remotely or the session is non-public, a roll call vote is required.

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.

PRELIMINARY DESIGN REVIEW

1. Applications for a Design Review Phase (676:4, II (b)) meeting with the Board shall be made on forms provided by the Board and shall be presented to the Planning Board Clerk or 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 such application is submitted to the Board for review.

3. The plan shall include at a minimum the following items:

- a. A site location map placing the parcel in the larger context of the community;
- b. A site survey showing pertinent features of the site;
- c. An indication of any future subdivisions contemplated in or adjacent to the proposal;
- d. A topographic map of the area;
- e. Any soils information, such as permeability or boring data, that has been gathered; and

- f. A sketch showing the proposed layout of lots, streets, and recreation areas; watercourses; natural features and easements.
 - g. The standards and location for the signature block signifying the Town's approval.
4. The Board shall determine the conclusion of the Design Review Phase process and inform the applicant.

APPLICATIONS 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 Planning Board Clerk 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 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.

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.

NOTICE

1. Public notice of the submission of, and public hearings on, each application shall be given by posting on the Town Website, and on the bulletin boards at the Old Town Hall and at the Municipal Offices, not less than 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 10 days prior to the date fixed for submission of the application to the Board.

PUBLIC HEARINGS

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

1. The Chair shall call the hearing in session and identify the applicant or agent.
2. The Chair shall read the application and report on the way public and personal notice was given.

3. 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.
4. Members of the Board may ask questions at any point during the presentation.
5. Any party to the matter who desires to ask a question of another party must go through the Chair.
6. Any applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing.
7. Each person who speaks shall be required to state his/her name and address and indicate whether s/he is a party to the matter or an agent or counsel to a party to the matter.
8. The applicant or agent shall be called to present the proposal, and those appearing in favor of the proposal shall be allowed to speak.
9. Those in opposition to the proposal shall be allowed to speak.
10. Other members of the public may speak.
11. Other parties such as representatives of town departments and other town boards and committees who have an interest in the proposal shall be allowed to present their comments in person or in writing.
12. The Chair shall indicate whether the hearing is closed.
13. Once the hearing is closed, the Board will deliberate and make a decision or continue the application 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.

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. If the Planning Board does not act on the application within that 65-day time period (unless the Board has determined that the application is a development of regional impact, which gives the Board an additional 30 days), then the Selectboard is required to approve the application.
2. The Board shall act to approve, conditionally approve, or disapprove.
3. Notice of decision will be available for public inspection at the Municipal Offices within 5 business days after the decision is made, as required in RSA 676:3. It will also be on the Town website under Planning Board Documents.
4. The decision shall include specific written findings of fact that support the decision. Failure of the Board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time

periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.

RECONSIDERATION, APPEAL, AND COURT REVIEW OF PLANNING BOARD DECISIONS (677:15)

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 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.

RECORDS

1. The records of the Board shall be kept by the Planning Board Clerk and shall be made available for public inspection at the Municipal Offices as required by RSA 91-A:4.
2. 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 public inspection within 5 business days after the meeting as required in RSA 91-A:2, II.
3. Approved minutes will be posted on the Website and on file with the Town Clerk in accordance with RSA 91-A:2, II-b .

JOINT MEETINGS AND HEARINGS

1. The Planning Board may hold joint meetings and hearings with other land use boards such as the Zoning Board of Adjustment and Code Enforcement. Each board shall have discretion whether to hold such joint meeting or hearing (RSA 676:2).
2. The Planning Board shall hold joint meetings and hearings with a homeowners' association approved by the Planning Board as a condition to a subdivision approval, when the latter requests such a hearing to approve its action to dissolve (RSA 292:8-m). Conducting and noticing such hearings should be done according to all the requirements of RSA 676:2.
3. Joint business meetings with another local land use board may be held at any time when called jointly by the chairs of the two boards.
4. 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.
5. The Planning Board Chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
6. 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 Chair;
- b. Introduction of members of both boards by Chair;
- c. Explanation of reason for joint meeting/hearing by Chair;
- d. 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;
- e. Adjournment;

7. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

AMENDMENT

The Planning 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 Municipal Town Clerk.

DRAFT

Robin Willis

To: Planning Board Members April 2025
Subject: Rules of Procedure - Draft Proposal
Attachments: Rules of Procedure Planning Board Draft 2025-08-14.pdf

I merged the document Kate had at the last meeting (which appears to be a draft of procedures from 2002) with the proposal John Mullen had presented in July 2024 and this is what I came up with. Take a look when you get a chance and we can go over it at a future meeting. A few things to note:

The document John presented was Suggested Rules of Procedure from the NHMA Handbook/ Office of Planning and Development in 2022; I used 2024's version.

I'm not clear on whether a noticed public hearing is required to be held to adopt these although the OPD recommends that and these procedures themselves call for that.

I **AM** certain we need to **have** rules of procedure and they need to be available for public inspection.

This talks about an optional Design Review Phase (and form) which can happen after a Preliminary Conceptual Consultation and before the Final Application. It's mentioned in the RSA also. To my knowledge, we don't have a form for that, but I'm sure we can borrow one from another town if the Board wants to implement it. Alton has one on line. **Or** we can take that section out of the procedures.

I'll make copies of this document and have them available for when the Board is ready to discuss it.

Robin Willis

Robin Willis
Administrative Clerk
Town of Middleton
182 Kings Highway
Middleton, NH 03887
603-473-5208

My normal office hours are, Tuesday, Wednesday and Thursday 9:00 to 5:00

- **Section 71: *Publication of Fees*** – Requires that any fee which a city or town imposes on an applicant shall be published in a location accessible to the public during normal business hours or the fee shall be waived. A city or town may comply with the publication requirement by publicly posting a list of fees at the city or town hall or by publishing a list of fees on the city or town's internet website. A separate document labeled as "Notice of Land Use Board Fees under RSA 673:16, III" should be created that provides a complete listing of fees charged for land use board applicants before the planning board, zoning board of adjustment, historic district commission, building inspector, and building code board of appeals. **This change goes into effect on August 23, 2022.**

TOWN OF MIDDLETON, NH PLANNING BOARD

PLANNING BOARD PROCEDURES

draft 3/02, 4-11-02

1. The Middleton Planning Board shall meet at the call of the Chairman.
2. Regular monthly meetings will be held on the 2nd Thursday of each month at ^{6:30}~~6pm~~ or at the call of the Chairman.
3. Work Sessions, Public Hearings and other meetings will be set by the Chairman.
4. The Chairman, Vice Chairman and Clerk shall be appointed in April of each year.

The Chairman shall be responsible for setting meeting dates, conducting all meetings/hearings and be the spokesperson of the Board and sign Plats and Documents on the Board's behalf.

The Vice Chairman shall act in the absence of the Chairman.

The Clerk will be responsible for:

- acting as Chairman upon the absence of the Chairman and Vice Chairman;
- prepare an agenda for meetings; and notify members of special meetings;
- take the minutes of meetings and hearings, making copies for members and filing these records in the Planning Board file cabinet;
- keep all records as possible electronically, updating the Planning computer as needed;
- gather educational materials for the board members;
- prepare and post notices of all Public Hearings in two public places in Town (one at meeting place and 2nd on bulletin board at the historic Town Hall) and send a notice to Fosters Daily Democrat newspaper according to State Statues;
- prepare and mail notices to abutters and those professionals whose names appear on the plat;
- sign and record at Strafford County Registry of Deeds all Board approved plans and actions of the Board requiring recording;
- file plans in the Planning Map Drawer and give a copy to the Town Assessor for yearly Tax Map updates and assessing changes;
- file land use applications presented to the Board in the Planning Board file cabinet;
- update the Code Enforcement Officer/Building Inspector and Board of Adjustment of any Zoning Ordinance or Regulation changes with copies of such;
- complete yearly Office of State Planning, New Hampshire Municipal Association and Strafford Regional Planning surveys and update these Offices of changes in the Zoning Ordinance/Regulations and with the names and addresses of board members;
- update the Town Zoning Ordinance and Sub-Division Regulations as needed;
- other duties, which may be assigned by the Board from time to time.
- The Clerk shall be reimbursed for expenses incurred and be given a yearly stipend, the amount of which shall be set by the Board.

PLANNING BOARD PROCEDURES-Continued

5. Each Board member is expected to attend whenever possible; Office of State Planning, New Hampshire Municipal Association and Strafford Regional Planning Commission training sessions held throughout the year and to avail themselves of any other training opportunities. To also become knowledgeable with the Town Master Plan, Town Zoning Ordinances and Regulations and any resource materials received.
6. All Board Members shall conduct themselves in a just and legal manner, attend meetings and come prepared with necessary materials at hand.
7. Members shall excuse themselves from the Board whenever they would have a conflict of interest in an application or issue before the Board, any issue of monetary gain with the project or any other conflict that would prevent an impartial decision.
8. Members shall notify Chairman or Clerk if unable to attend a meeting.
9. Member resignations shall be in writing.