

# **TOWN OF MIDDLETON, NEW HAMPSHIRE PLANNING BOARD RULES OF PROCEDURE**

## **1. AUTHORITY**

These Rules of Procedure are adopted pursuant to RSA 676:1 and govern the internal operations of the Middleton Planning Board.

## **2. MEMBERSHIP**

### **2.1 Composition**

The Planning Board shall consist of five members. The Selectboard shall appoint one ex officio member and one alternate ex officio member, both with voting authority, in accordance with RSA 673:2.

### **2.2 Appointment, Terms, Vacancies**

Selection, qualification, terms, removal, and filling of vacancies shall conform to RSA 673.

### **2.3 Conduct and Expectations**

Members shall:

- a. act lawfully, impartially, and respectfully
- b. attend meetings regularly
- c. prepare in advance by reviewing materials
- d. maintain familiarity with the Master Plan, Zoning Ordinance, Subdivision Regulations, Site Plan Regulations, land use regulations, Capital Improvement Plan, Driveway Regulations, Impact Fees, Excavation Regulation RSA 155-E.

### **2.4 Training**

To support informed and effective decision-making, members are encouraged to participate in training offered by the Office of Planning and Development, New

Hampshire Municipal Association and Strafford Regional Planning Commission (SRPC). Costs for attending training workshops, classes and conferences shall be approved by majority vote of the Board and charged to the appropriate line of the Planning Board Budget.

## **2.5 Resignations**

Resignations shall be submitted in writing to the Chair and Town Clerk and Selectboard.

## **3. ALTERNATES**

### **3.1 Appointment**

Up to five alternates may be appointed as authorized by the legislative body and RSA 673:6.

### **3.2 Participation**

Alternates are encouraged to attend all meetings.

- a. When activated, an alternate has full authority of a regular member for the duration of the matter.
- b. When not activated, alternates may participate in public hearings (ask questions, review documents) but may not make motions, second motions, or deliberate.
- c. After a public hearing closes, non-activated alternates shall move to public seating.
- d. During work sessions, alternates may participate fully except for motions and votes.

### **3.3 Public Clarity**

The Chair shall clearly identify which members and alternates are voting on each application.

## **4. OFFICERS**

### **4.1 Officers Defined**

- a. Chair: Presides over meetings and hearings; signs plats and documents; prepares the annual report; serves as spokesperson.
- b. Vice Chair: Acts with full authority of the Chair when presiding in the Chair's absence.

### **4.2 Election**

Officers shall be **elected annually in April** by majority vote. Written ballot shall be used if requested by a majority of members present.

## **5. CLERK**

The Clerk may be a Town employee or an appointed individual. If not a Town employee, the Clerk shall receive a stipend set by the Board.

### **5.1 Duties**

The Clerk shall:

- a. maintain accurate records of meetings
- b. issue notices and record attendance
- c. notify applicants and abutters
- d. prepare agendas and minutes
- e. maintain physical and electronic files
- f. post public notices at required locations and send to the Website Manager
- g. ensure recording of approved plans at the Registry
- h. provide plans to CAI and the Town Assessor
- i. update land use boards and staff on ordinance/regulation changes
- j. complete annual OPD, NHMA, and SRPC surveys

- k. update the Zoning Ordinance and Subdivision Regulations as needed
- l. have sole responsibility for maintaining and updating the master copy of all Planning Board documents as necessary
- m. perform additional duties assigned by the Board

## **6. MEETINGS**

### **6.1 Regular Meetings**

Regular meetings shall be held at least monthly per RSA 637:10 II. Meetings will typically be held at the Old Town Hall, 200 Kings Highway, at 6:00 p.m. on the second Thursday of each month.

### **6.2 Special Meetings**

Special meetings may be called by the Chair, the Vice Chair, or at the request of three members, with at least 48 hours' notice specifying the purpose.

### **6.3 Nonpublic Sessions**

Nonpublic sessions shall be held only as permitted under RSA 91 A:3.

### **6.4 Quorum**

A majority of the Board's membership constitutes a quorum, including alternates serving in place of regular members. A quorum of the Planning Board shall consist of three members of the five-member Board. Any combination of regular members, the ex officio member, or an activated alternate may constitute a quorum. A Planning Board quorum is any three members of the five-member Board, regardless of whether the ex officio or their alternate is present.

### **6.5 Disqualification**

Members shall recuse themselves when they have a conflict of interest or financial interest, or when impartiality may reasonably be questioned.

- a. Disqualification shall be announced before discussion begins.
- b. The disqualified member shall leave the Board table during the matter.
- c. The Board may vote on questions of disqualification; such votes are advisory and may only be requested by Board members.

## 6.6 Order of Business

- a. Call to order
- b. Roll call
- c. Completeness and acceptance of applications
- d. Subdivision and site plan hearings
- e. Other business/public comment
- f. Minutes
- g. Communications
- h. Reports of officers and committees
- i. Unfinished business

## 6.7 Voting

A motion passes by majority vote of members present. Roll call votes are required for remote participation or nonpublic sessions.

## 6.8 Agenda Deadline

Individuals interested in discussing general ideas, asking questions, or obtaining guidance from the Board must submit a complete Land Use Inquiry Form.

Requests to be placed on the Planning Board agenda, including Land Use Inquiry Forms, conceptual consultations and other **non-application items**, shall be submitted to the Clerk no later than seven (7) days before the scheduled meeting. Requests received after this deadline may be placed on a future agenda at the discretion of the Chair.

## 7. FORMS

All forms, including applications, checklists, land use inquiries, and waiver requests, shall be adopted by Board resolution and incorporated into these Rules of Procedure.

## **8. NOTICE REQUIREMENTS**

### **8.1 Public Notice**

Public notice shall be posted on the Town Website and on bulletin boards at the Old Town Hall and Municipal Offices according to RSA 675:7 at least ten (10) calendar days prior, not including the day notice is posted or the day of the public hearing.

### **8.2 Personal Notice**

Personal notice shall be sent by verified mail to the applicant, abutters, and any professional whose seal appears on the plat at least 10 days prior.

## **9. PUBLIC HEARINGS**

Public hearings shall be conducted as follows:

- a. Chair opens the hearing and identifies the applicant or agent.
- b. Chair reports on notice.
- c. Board considers completeness, waivers, and acceptance.
- d. Applicant presents the proposal.
- e. Board members may ask questions at any time.
- f. Parties must address questions through the Chair.
- g. Applicants, abutters, and persons with direct interest may testify.
- h. Speakers state name, address, and role.
- i. Time Limits: To ensure the orderly and efficient conduct of public hearings, the Chair may establish reasonable time limits for applicant presentations, abutter testimony, and general public comment. Typical limits are 5–10 minutes for applicant presentations, 3 minutes for abutters, and 2–3 minutes for other public comment. The Chair may adjust these limits as necessary, provided all speakers are treated equitably. These time limits are guidelines.
- j. Supporters speak.

- k. Opponents speak.
- l. Other public comment is taken.
- m. Town departments and boards may comment.
- n. Chair closes the hearing.
- o. Board deliberates and decides or continues the matter.
- p. If continued, no new notice is required if the date/time/place is announced before adjournment.

## **10. DECISIONS**

- a. The Board shall issue a written decision within 65 days of acceptance, subject to extension or waiver under RSA 676:4.
- b. The Board may approve, conditionally approve, or disapprove.
- c. Notice of decision shall be available for public inspection within 5 business days and posted on the Town Website.
- d. Decisions shall include written findings of fact.

## **11. RECONSIDERATION AND APPEALS**

The Board may reconsider a decision within the statutory appeal period.

- a. A motion for reconsideration must state specific reasons.
- b. If granted, the Board shall hold a new public hearing with notice.
- c. A new decision restarts the appeal period under RSA 677:15.

## **12. RECORDS**

- a. Records shall be maintained by the Clerk and made available under RSA 91 A:4.
- b. Draft minutes shall be available within 5 business days under RSA 91 A:2, II.

- c. Approved minutes shall be posted on the Town Website and filed with the Town Clerk.

### **13. JOINT MEETINGS AND HEARINGS**

- a. The Board may hold joint meetings with other land use boards under RSA 676:2.
- b. Joint business meetings may be held when called jointly by the chairs.
- c. A joint public hearing shall be held when the subject matter falls within the jurisdiction of multiple boards.
- d. The Planning Board Chair shall preside over joint meetings involving the Planning Board.
- e. Each board shall make its own decision based on its respective criteria.

### **14. REMOTE PARTICIPATION**

A Planning Board member may participate in a meeting by electronic or telephonic means in accordance with RSA 91-A:2, III, provided that a physical quorum of the Board is present at the meeting location. The reason for the member's remote participation shall be stated at the meeting and recorded in the minutes. All votes taken while any member is participating remotely shall be by roll call.

### **15. AMENDMENT**

These Rules of Procedure may be adopted or amended at any regular meeting of the Planning Board by a majority vote of the members present.

All adopted or amended Rules of Procedure shall be filed with the Town Clerk as required by RSA 676:1.