

PLANNING BOARD RULES OF PROCEEDURE

TOWN OF SUTTON, NEW HAMPSHIRE

AUTHORITY

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

MEMBERS & ALTERNATES

1. The Planning Board shall consist of seven appointed members, which will include one member whom the Select Board shall designate an ex-officio member with power to vote.
2. Selection, qualification, term, removal of members, & filling of vacancies 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. The Select Board may appoint alternate members up to the limit as provided for by New Hampshire State law and as approved by Town of Sutton Town Meeting. Alternates should attend all meetings to familiarize themselves with the workings of the board in order to be ready to serve whenever a regular member of the board is unable to fulfill his/her 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 and 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 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.
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 Land Use Coordinator as soon as possible. Unless recused, members, including the chair 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 Land Use Coordinator shall forward to the municipal clerk for recording the appointment/election & expiration dates of the terms of each member of the Planning Board.

PLANNING BOARD

1. The makeup of the Planning Board shall be as follows:
 - a. **Chair:** The Chair shall preside over all meetings and hearings; shall prepare, with the assistance of the Land Use Coordinator, an annual report; and shall perform other duties customary to the office.
 - b. **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. Each year the Planning Board may vote to elect or not to elect a Vice Chair.
 - c. **Member:** Members participate in the decision-making process & vote to approve or disapprove all motions under consideration.
 - d. **Alternate:** Alternates may act & vote in the place of an absent or recused Member during public hearings. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motions or votes.
 - e. **Land Use Coordinator (aka Planning and Zoning Administrator):** The Land Use Coordinator shall act as secretary & 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 & abutters of hearings; and prepare such correspondence & fulfill such duties as the Chair may specify. In the absence of the Land Use Coordinator, the Chair shall appoint a secretary pro tem to keep records of the meeting. The Land Use Coordinator does not vote or act as an Alternate. The Land Use Coordinator is responsible for correspondence to or from the Planning Board, assists the public with information regarding Planning & Zoning questions & with Applications for Subdivision, Site Plan Review & other applications such as Conditional Use Permits, Lot Line adjustments, etc. The Land Use Coordinator takes in applications for Subdivision, Site Plan Review & other designated applications; reviews them for completion; &, with Chair approval, schedules & provides Notice of Public Hearings.
2. The Planning Board officer(s) shall be elected annually during the month of April by a majority vote of the Planning Board. If requested by a majority of those present, voting shall be by written ballot.

MEETINGS

1. **Time & Place:** Unless there is no business before the Board, regular meetings shall be held at least monthly at Sutton town Hall at 7:00 PM on the 2nd and/or 4th Tuesday of each month.
2. **Special Meetings:** may be called by the Chair or in her/his absence, by the Vice-Chair, or at the request of three members of the Planning 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 Planning Board shall constitute a quorum,

including alternates sitting in place of regular members.

5. **Consultations:** with legal counsel do not constitute a meeting as provided in RSA 91-A: 2.

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 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 any discussion or the public hearing on the application begins. The member disqualified shall leave the Planning Board table during all deliberations and the public hearing on the matter.
- b. If any regular Planning Board member is absent from a meeting or hearing, or disqualifies themselves 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 disqualified regular member does not vote on that matter.
- c. If uncertainty arises as to whether a Planning Board member should disqualify themselves, on the request of that member, or the request of another member of the Planning Board, the Applicant, or the Public, the Planning 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 discussion and/or 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 Planning Board members.

7. **Order of Business** shall be as follows:

- a. Call to order by Chair
- b. Roll call by the Land Use Coordinator
- c. Minutes of previous meeting(s)
- d. Unfinished business e.g., prior application reviews/hearings not completed
- e. Review and hearings on new Applications in the order they were received
- f. Report of officers and committees
- g. Other business
- h. Reading of communications directed to the Planning Board
- i. Public comment

8. **Voting:** A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present. Voting shall be by roll call, which shall be recorded in the minutes.

APPLICATIONS

1. Applications before the Planning Board shall be made on forms provided by the Planning Board and shall be presented to the Land Use Coordinator and/or the Planning Board's Technical Consultant who shall sign and record the date of receipt.
2. A Conceptual Consultation is required for any Major Subdivisions and Site Plans pursuant to

RSA 674.35 and 674.43, as voted at Sutton Town Meeting, March 2007.

3. Notice shall be given as required in **RSA 676:4.1(d)** at least 10 days before an application that is deemed complete by the Land Use Coordinator is submitted to the Planning Board.
4. Completed Applications shall be accepted by majority vote of the Planning Board and shall be scheduled for consideration within 30 days of acceptance.
5. The Planning Board shall reject all applications not properly completed.

FORMS:

1. All forms prescribed herein and revisions thereof shall be adopted by resolution of the Planning Board and shall become part of these rules of procedure.
2. A list of all forms shall be provided to Applicants for their use.

NOTICE:

1. Public notice of the submission of and public hearings on each application shall be given in the InterTown Record and/ or by posting at both the Town Hall and the Sutton Post Office(s) not less than ten (10) days prior to the date fixed for submission and consideration of the application. *(Note: RSA 676:4 requires the public notice of submission to be given by either publication or posting. The Board may do one or the other, or both so long as the rules of procedure are consistent with the subdivision and site plan review regulations.)*
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. *(Note: RSA 676:4 permits the planning board to combine the notice of submission with the notice of the public hearing, by stating that, if the application is accepted as complete, it will be on the agenda of each planning board meeting until a decision is made. The date of the public hearing must also be included on the notice. Otherwise, separate notices must be given to the applicant and to abutters by certified mail for submission, public hearing, and each time the application is on the agenda.)*

PUBLIC HEARINGS:

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

1. The Chair shall call the hearing into session, identify the Applicant or Applicant's Agent and ask for the Land Use Coordinator's report on the proposal.
2. The Land Use Coordinator shall read the application, report on the manner in which public and personal notice was given and read the notice.
3. The Applicant or the Applicant's Agent shall be called to present the proposal and those appearing in favor of the proposal shall be allowed to speak.
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 their name and address and indicate whether she or he is a party to the matter or an agent or counsel to a party to the matter.
8. Those in opposition to the proposal shall be allowed to speak.
9. Those neither in favor nor in opposition may speak.
10. 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.
11. The Chair 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 an adjournment, additional notice is not required if the date, time and place of the continuation is made known 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**.
2. The Planning Board shall act to approve, conditionally approve, or disapprove.
3. Notice of decision will be made available for public inspection at the Land Use Office located in the Sutton Town Hall during Land Use Office Hours, which are posted on the Sutton Town website 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.

RECONSIDERATION:

1. The Planning Board may reconsider any decision to approve or disapprove an application, for good cause, provided the request for rehearing or reconsideration is made within the statutory appeal period of thirty days beginning on the date following the vote in question. This may be done by the written request of a Planning Board Member, an aggrieved party or a member of the public. A meeting of the Planning Board *would* then need to be convened within the 30 days following receipt of that written request for rehearing or reconsideration, at which a motion by a Planning Board member that specifies the reasons for reconsideration would be made and seconded. If the motion for rehearing is granted, the case begins again from the beginning, and the Planning Board shall schedule a new public hearing, with notice as provided in RSA 676:4.I (d), where it shall create a new decision. The time to appeal pursuant to RSA 677:15, et seq. shall reset and begin anew on the date following each successive decision by the Planning Board regarding any application, including any decision to not reconsider the application.
2. A subdivision plat, street plat, site plan or other approval which has been filed with the

appropriate recording official under RSA 674:37 may not be revoked, in whole or in part, by the Planning Board, except pursuant to this section, and only under the following circumstances:

- a. At the request of, or by agreement with, the Applicant or the successor in interest.
 - b. When the Applicant or successor in interest to the Applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans or specifications upon which the approval was based, or has materially violated any requirement or condition of such approval.
 - c. When the Applicant or successor in interest to the Applicant has failed to perform any condition of the approval within a reasonable time specified in the approval, or, if no such time is specified, within the time periods specified in RSA 674:39.
 - d. When the time periods specified in RSA 674:39 have elapsed without any vesting of rights as set forth therein, and the plat, plan or other approval no longer conforms to applicable ordinances or regulations.
 - f. When the Applicant or successor in interest to the Applicant has failed to provide for the continuation of adequate security as provided by RSA 674:36, III(b) and 674:44, III(d) until such time as the work secured thereby has been completed.
3. Prior to recording any revocation under this section, the Planning Board shall give notice, as provided by RSA 676:4, I(d), to the public, the Applicant or the Applicant's successor in interest, and all abutters and holders of conservation, preservation, or agricultural preservation restrictions applicable to the parcel or parcels in question. The notice shall include the Planning Board's reasons for the revocation. A hearing with notice as provided in RSA 676:4, I(d) shall be held at the request of any party receiving such notice, submitted within 30 days of receiving such notice, or if the Planning Board determines to hold a hearing.
 4. A declaration of revocation, dated and endorsed in writing by the Planning Board, and containing reference to the recording information for the plat, plan or other approval being revoked, shall be filed for recording with the register of deeds, no sooner than 30 days after written notification of the revocation is served on the Applicant or the Applicant's successor in interest, in person or by certified mail, or 30 days after any public hearing, whichever is later. If only part of an approval is revoked, that portion of land subject to revocation shall be clearly identified in the declaration. The declaration shall be recorded under the same name or names as was the original approval, as well as the names of subsequent owners, if any, of the land or part thereof subject to revocation, as identified by the municipality.
 5. A revocation under this section may be appealed pursuant to RSA 677:15. Nothing in this section shall affect the municipality's ability, either before or after such a revocation, to pursue other remedies or penalties as set forth in RSA

RECORDS

1. The records of the Planning Board shall be kept by the Land Use Coordinator and shall be made available for public inspection, as required by **RSA 91-A:4**, at the Land Use Office located in the Sutton Town Hall during Land Use Office Hours, which are posted on the

Sutton Town website.

2. Minutes of the meetings including the names of Planning 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.**

JOINT MEETINGS & HEARINGS

1. The Planning Board may hold joint meetings and hearings with other Sutton “land use boards” including the Zoning Board of Adjustment, the Building Code Board of Appeals, and with 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 Chairs 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 Planning Board Chair
 - b. Introduction of members of both boards by the Planning Board Chair
 - c. Explanation of reason for joint meeting/hearing by the Planning Board 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 proposal.
 - e. Adjournment
6. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

AMENDMENTS

1. The Planning Board’s rules of procedure may be amended by a majority vote of its members.
2. The Planning Board shall hold a public hearing prior to adoption of new rules or amendment of existing rules.
3. A Notice giving the time and place of the hearing shall be as provided in RSA 675:7.

4. The amended procedures shall be filed with the Sutton Town Clerk.

END