

# TEMPLE PLANNING BOARD

## Rules of Procedure

Original Adopted 4/19/95 as per NH RSA 676:1

*(Revisions Adopted 4/5/2022)*

### I. AUTHORITY

The Temple Planning Board derives its authority from State Law and the Town of Temple Ordinances. Nothing in these rules of procedure is intended to conflict with either of these.

### II. MEMBERS AND ALTERNATES

1. The Planning Board shall consist of 6 elected members, including the officers, *plus* one member of the Select Board to serve as ex-officio.
2. Selection, qualification, term, removal of members, and filling of vacancies shall conform to NH RSA 673, et seq.
3. Up to three (3) alternate members may be appointed by the Planning Board to take the place of full members as needed, as authorized by NH RSA 673:6, and participate as non-voting members.
4. Alternate members should attend all meetings and familiarize themselves with the workings of the Planning Board to stand ready to serve whenever a regular member of the board is unable to 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 and may view documents, listen to testimony, and actively participate and interact with the 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 of 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 members who shall be voting on the application.
6. All Planning Board 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.
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 NH RSA 42:1.

### III. ELECTION OF OFFICERS

1. A Chair shall be elected at the first regular meeting following the annual town meeting. They shall preside over all meetings and hearings, submit the annual report, appoint such committees as directed by the Board, shall affix their signature in the name of the Board, prepare and present a proposed annual budget, and shall perform other duties customary of the office.

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2. A Vice-Chair shall be elected at the first regular meeting following the annual town meeting. They shall preside in the absence of the Chair and shall have the full power of the Chair during their absence.
3. A Secretary shall be elected at the first regular meeting following the annual town meeting. They shall maintain a record of decisions of the Board and shall affix their signature on plans in the name of the Board, and perform other duties as the Board may specify.
4. All officers are voting members of the Board. They shall serve for one year and shall be eligible for re-election.

#### IV. DUTIES AND RESPONSIBILITIES

1. The Planning Board is responsible for reviewing and amending as necessary the Zoning Ordinance, Master Plan, Subdivision Regulations, Site Plan Regulations, Driveway Regulations, and Earth Excavation Regulations. Copies of all such documents shall be on file with the Temple Town Clerk and with the NH Office of Planning and Development, 100 North Main Street, Concord, NH 03301. Notice of authority granted by Town Meeting for Subdivision and Site Plan Review shall be on file with the Hillsborough County Register of Deeds.
2. These Rules of Procedure shall be reviewed periodically and revised as needed. Amendments shall be by a majority vote of the Board.
3. An annual budget shall be prepared by the Chair or their designee and approved by the Board prior to submission to the Select Board.

#### V. MEETINGS

1. Regular Meetings shall be held in the Town Hall at 7:00 P.M. on the 1st and 3rd Tuesday of each month. Workshop meetings will be held as needed and specified by the Chair.
2. Notice of public hearings shall be in accordance with NH RSA 675:7 and NH RSA 676:4, as appropriate.
3. Special Meetings may be called by the Chair, or in their absence, 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 a meeting. The notice shall specify the purpose of the meeting.
4. All meetings shall be conducted in strict accordance with the spirit and intent of the "Right-to-Know" Law, NH RSA Chapter 91-A.
5. Non-public sessions shall be held only in accordance with NH RSA 91-A:3.
6. A quorum for all meetings shall be four (4) members, including alternates sitting in place of members.
7. If any member finds it necessary to disqualify themselves from any particular deliberation, they shall notify the Chair as soon as possible so that an alternate may be appointed. The disqualification shall be announced by either the Chair or the disqualifying member before the beginning of the public hearing on the case. The disqualified member shall leave the Board table during all deliberations and the public hearing on the matter.

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- a. 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 regards to any matter under consideration on which the disqualified member is unable to act. The alternate member should continue until the matter is completed; the disqualified member does not vote on that matter.
  - b. If uncertainty arises as to whether a Board member should disqualify themselves 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 may 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 said vote may not be requested by persons other than Board members.
8. Order of Business. The order of business for regular meetings shall be as follows:
- a. Call to order by the Chair
  - b. Roll Call
  - c. Appointment of Alternates
  - d. Approval of Minutes of Previous Meeting
  - e. Public Comment
  - f. Consider completeness and acceptance of applications
  - g. Public Hearing(s)
  - h. Old Business
  - i. New Business
  - j. Correspondence
  - k. Adjournment
9. Prior to each meeting, the Chair or their designee shall develop an agenda.
10. It is the practice and policy of the Temple Planning Board to reserve time at or near the beginning of each meeting for anyone having business with the Board, regardless of whether or not the person has made a previous effort to be placed on the Board's agenda.
11. All votes shall be taken by roll call.

#### VI. 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 town Municipal Building during normal business hours. A Town employee, such as the Town Clerk, Planning Board Clerk, Select Board Assistant, or a Planning Board member must be present at all times while the files are being inspected.
2. Case files and minutes are never to be removed from the Planning Board's files except temporarily for reproduction, during which time they must remain in the custody of a Planning Board member or designated Town employee.
3. Each individual matter considered by the Board will be assembled into one case file, which shall contain, at a minimum: the original application; copies of all minutes related to the application, a copy of the notice of the hearing, to which are appended certificates of mailing and return receipts; and as applicable, a copy of blueprints, any state agency approvals, correspondence,

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notices of decision, and related documents. Case file headings shall be the applicant's name and month and year action taken. They shall be filed alphabetically.

4. No one but a Planning Board member or the Board's designee shall place any document in a case file.
5. Minutes
  - a. Minutes of all meetings shall be posted at the Town Municipal Building within 5 business days of such meeting, as required by NH RSA 91-A:4. Minutes of all Planning Board decisions shall be posted at the Town Municipal Building within 72 hours of such decision.
  - b. The file copy of the minutes shall show the date of such posting and the signature of the person who posted them.
  - c. All votes shall be recorded by roll call unless unanimous.
  - d. Minutes, filed in chronological order, shall be accompanied by a copy of the notice of the meeting, which notice shall show the dates posted and published and by whom posted.
  - e. A copy of the minutes shall be furnished to each Board member and the Select Board Assistant.
  - f. Approved minutes must also be posted on the website in a consistent and reasonably accessible location per NH RSA 91-A:2, II-b.

#### VII. 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.

#### VIII. NOTICE

1. Public notice of the submission of and public hearings on each application shall be given in the Monadnock Ledger Transcript or by posting in at least two public places including the town website's homepage, Municipal Building, and other optional locations, 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, per NH RSA 676:4, I (d).
2. Personal notice shall be made by verified mail, as defined in NH RSA 21:53, to the applicant, holders of conservation, preservation, or agricultural preservation restrictions, 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.

#### IX. PUBLIC HEARINGS

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

1. The Chair opens the public hearing and explains what procedures will be followed.
2. The Chair explains that the reason for holding the hearing is to gain input from any persons potentially affected by the proposal.

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3. The proposal is presented.
4. The board members may ask questions and/or present additional information.
5. Other questions and comments are taken from the public.
  - a. Anyone speaking from the floor must identify themselves for the record.
  - b. All questions must be directed through the Chair to avoid cross-questioning.
  - c. Members of the public will be called on in the following order:
    - i. Members of the public in favor of the proposal.
    - ii. Members of the public opposed to the proposal.
    - iii. Anyone else who wishes to speak, if time permits.
    - iv. Any written comments are read into the record.
6. The Chair summarizes the comments and provides an opportunity to clarify any issues. The Chair announces the procedures the Board will follow in making a decision.
7. The Chair closes the public hearing and the Board begins deliberating at that time and either makes a decision or continues to a future public hearing.

#### X. 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, and the Building Inspector. Each Board shall have discretion whether or not to hold such joint meeting or hearing (NH 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 preside over 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 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 their proposal;
  - e. Adjournment.
6. Each Board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

#### XI. AMENDMENT

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 NH RSA 675:7. The amended procedures shall be filed with the Town Clerk.