RULES OF PROCEDURE FOR THE PLANNING BOARD OF FREEDOM, NH

AUTHORITY

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 a total of seven members, six of whom are chosen by a vote of town residents. The Selectmen shall designate one selectman as an ex-officio and alternate ex-officio member with power to vote.
2. Selection, qualification, term, removal of members, and 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. 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.
5. At planning board meetings, alternates who are not activated to fill the seat of an absent or recused member 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. 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 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 or alternate shall be sworn in and take an oath of office as required by RSA 42:1.
8. The Chair or Vice-Chair shall forward to the town clerk appointment/election and expiration dates of the terms of each member of the Board 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 an annual report; and shall 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.

OR should the Board decide:

* Two Co-Chairs: The Co-Chairs shall preside over all meetings and hearings; shall prepare an annual report; and shall perform other duties customary to the office. In the absence of one of the co-Chairs, the other Co-Chairs will exercise the full powers of the Co-Chairs on matters that come before the Board.

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. If the newly elected Planning Board members cannot be sworn in before the March meeting, the election will take place at the April meeting. If requested by a majority of those present, voting shall be by written ballot.

3. **The Freedom Planning Board employs a recording secretary who is not a member of the board. The Secretary shall keep a full and accurate record of the proceedings of each meeting; record the names of the members present; and fulfill such duties as the Chair may specify. In the absence of the Secretary, the Chair shall appoint a secretary pro tem to keep records of the meeting.**

MEETINGS

1. Regular meetings shall be held at least monthly at the Freedom Town Hall at seven PM on the third Thursday of each month.

2. The Chair may call special meetings or in her/his 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 a 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. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present. Voting shall be by a voice vote which shall be recorded in the minutes unless a roll call is requested

   If any regular Board member is absent from a meeting or hearing or disqualifies her/himself 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 an 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**. ~~An elected planning board member, when available, is allowed to sit.~~

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 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 her/himself, 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 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. (NOTE: Except as may otherwise be provided by local ordinance.)

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

INFORMAL DISCUSSION

1. Site plan review: Refer to site plan review regulations at townoffreedom.net
2. Subdivisions: Refer to subdivision regulations at townoffreedom.net

PRELIMINARY DESIGN REVIEW

1. Site plan review: Refer to site plan review regulations at townoffreedom.net
2. Subdivisions: Refer to subdivision regulations at townoffreedom.net

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 Board's agent at the town office who shall sign and record the date of receipt.
2. Notice shall be given as required in RSA 676:4,1(d) 10 days before a completed application is submitted to the Board for consideration at a noticed meeting in compliance with state law.
3. **<u>The deadline for submitting new materials on continued applications will be the same as for the initial application. This applies to submissions of material needed to determine if an application is complete or needed to allow the board to understand and act on the application</u>**
4. Completed applications shall be accepted by majority vote of the Board and shall be scheduled for consideration within 30 days of acceptance.
5. The board shall act on applications within sixty-five (65) days. The applicant may agree to

an extension.
6. The board shall approve, approve with conditions, or disapprove the application.
7. If the board is unable to act on an application within the required sixty-five (65) days, it may disapprove the applications without prejudice. (This application may come back to the board.)
8. The board shall issue a decision on all applications stating findings of fact as well as the reasoning for the final decision and conditions, if any.

FORMS

1. All forms 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 in the Conway Daily Sun or by posting at both the bulletin boards in front of the Town Office and the Freedom Post Office 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 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 in session and identify the applicant or agent.
2. The Chair shall read the application and report on the manner in which public and personal notice was given.
3. Members of the Board may ask questions at any point during the presentation.
4. Any party to the matter who desires to ask a question of another party must go through the Chair.
5. Any applicant, any abutter, or any person with a direct interest in the matter may testify in person or in writing. Other people may testify as permitted by the Board at each hearing.
6. Each person who speaks shall be required to state her/his 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.
7. The applicant or agent shall be called to present the proposal and those appearing in favor

of the proposal shall be allowed to speak.

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. **Board and commission representatives should identify themselves as members of the public unless they are formally representing the position of a board or commission.**
11. The Chair shall indicate whether the hearing is closed.
12. **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 governing body {selectmen, city or town council} is required to approve the application.
2. The Board shall act to approve, conditionally approve, or disapprove.
3. Notice of decision will be made available for public inspection at the Freedom Town Office within 5 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 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 AND APPEAL OF PLANNING BOARD DECISIONS
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 or not 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 at the Town Office and shall be made available for public inspection at the (office of the Board, or office of the Town Clerk) as required by RSA 676:3, 11.
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 five business days of the public meeting as required in RSA 91-a:2.11

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 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 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 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 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

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 RSA 675:7. The amended procedures shall be filed with the municipal clerk.

Adopted unanimously—[Date], 2023

Anne B, Cunningham
Chair, Freedom Planning Board