



Planning Board
PO Box 120
Town of Fremont, New Hampshire

Rules of Procedure

AUTHORITY

1. These rules of procedure are adopted under the authority of **NH RSA 676:1**.

Unless otherwise stated, or unless otherwise required by the context, any reference to a statute, law, regulation or code in the ordinance shall be deemed to include any future amendments made to such statute, law, regulation or code.

MEMBERS AND ALTERNATES

1. The Planning Board shall consist of seven (7) members; six (6) appointed Board Members plus one (1) Selectman as selected by the Board of to serve as an ex-officio member with power to vote. That Selectman (ex-officio member) can only be replaced with another Selectman (ex-officio member) as required in **RSA 673:2, II**.

2. Up to five (5) Alternate members may serve on the Planning Board as authorized by **RSA 673:6, I (a)**.

3. Selection, qualification, term, removal of members, and filling of vacancies shall conform to **RSA 673**.

4. As per **RSA 673:12,III**: The chairperson of the Planning Board may designate an alternate member of the board to fill the vacancy temporarily until the vacancy is filled in the manner set forth in **RSA 673:12, I and II**. If the vacancy is for an ex officio member, the chairperson may only designate the person who has been appointed to serve as the alternate for the ex officio member.

5. 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**.

6. The municipal clerk shall keep a record of the appointment-and expiration dates of the terms of each member of the Board.

TERMS

The term for all Board Members and Alternate Members, whether elected or appointed, is three (3) years (**RSA673:5, II**).

OFFICERS

1. Chairman: The Chairman shall be elected annually by a majority vote of the Board in the month of April. 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. He/she shall appoint such committees as directed by the Board and shall affix his/her signature in the name of the Board.

2. Vice-Chairman: The Vice-Chairman shall be elected annually by a majority vote of the Board in the month of April. 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.

3. All officers shall serve for one year and shall be eligible for re-election.

4. The Land Use Administrative Assistant for the Town of Fremont shall act as Secretary and shall maintain a record of all meetings, transactions and decisions of the Board, and perform such other duties as the Board may direct by resolution. The LUAA shall 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; and prepare such correspondence and fulfill such duties as the Chairman may specify. In the absence of the LUAA, the Chairman shall appoint a secretary pro tem to keep records of the meeting.

MEETINGS

1. Regular meetings shall be held at least monthly in the basement meeting room of the Fremont Town Hall. (Meetings are typically held at 7:00 pm on the first, third and fourth Wednesday of each month, but are subject to rescheduling)

2. Special meetings may be called by the Chairman, or in her/his 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 twenty four (24) hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting.

3. As required by **RSA 91-A**, all meetings shall be open to the public.

4. Nonpublic Sessions shall be held only in accordance with **RSA 91-A: 3**.

5. Member Replacement: If any regular Board member is absent from a meeting or hearing, or disqualifies her/himself 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. As per **RSA 673:11** such alternate shall have all the powers and duties of a regular member in regards to any matter under consideration on which the regular member is unable to act.

6. Disqualification: As per **RSA 673:14**: No member of a zoning board of adjustment, building code board of appeals, **planning board**, heritage commission, historic district commission, agricultural commission, or housing commission shall participate in deciding or shall sit upon the hearing of any question which the board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties.

If any member finds it necessary to be disqualified from sitting on a particular case, as provided in **RSA 673:14**, he/she 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. 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.)

7. Order of Business shall be as follows:

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

The order of business for a particular meeting may be adjusted to accommodate the needs of those attending or planning to attend.

APPLICATIONS (EXCAVATION, SUBDIVISION AND SITE PLAN REVIEW *or amendments thereof*)

1. Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the Secretary of the Board or the Board's agent at least fifteen (15) days prior to the meeting at which the application will be accepted as required in **RSA 676:4, I (b)**.
2. Notice shall be given as required in **RSA 676:4, 1(d)** at least ten (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 thirty (30) days of acceptance as required by **RSA 676:4I, (c) (1)**.
4. The Board shall reject all applications not properly completed.

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 public hearings on each application shall be given by advertisement in the local newspaper of general circulation in the Town of Fremont, and shall be posted in at least two (2) public places for Site Plan Review and Subdivision (**RSA 675:7**), and three (3) public places for Excavation (**RSA 155-E: 7**), not less than ten (10) days prior to the date fixed for submission and consideration of the application to the Board.
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.

PUBLIC HEARINGS

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

1. The Chairman shall call the hearing in session, identify the applicant or agent and ask for the Secretary's report on the proposal.
2. The Secretary 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 Chairman.
5. 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.
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.
11. The Chairman 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.
12. The Chairman shall indicate whether the hearing is closed or continued 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.

QUORUM

A majority of the membership of the Planning Board – four (4) members - shall constitute a quorum. The quorum may consist of regular members and/or alternates participating in the place of regular members.

VOTING

An affirmative vote by the majority of the Members present and voting is necessary to adopt a motion. Voting may be by voice vote, unless two or more members present and voting request a roll call. A record of the roll call shall be kept as a part of the minutes of the meeting.

- In the case of a tie vote the meeting would be continued to allow time for another Member to be brought in to vote. If there is no other Member that can be brought in, then the Board shall begin deliberations again.
- A vote to abstain is considered a non-vote and does not count as a vote. The abstaining Member does count as a Member present.
- All voting results shall be recorded in the minutes.

DECISIONS

1. For all applications, the Board shall act to approve, conditionally approve or disapprove, giving written reasons for disapproval.
2. The Board shall render a written decision for all Site Plan Review and Subdivision applications 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, I(c)(1)**.
3. The Board shall render a written decision for all Excavation permits or amended Excavation permits within 20 days of the required public hearing or any continuation thereof as required by **RSA 155-E:7**.
4. Notice of decision will be made available for public inspection during regular business hours at the Selectmen's Office and the Land Use Office of the Town Hall as required in **RSA 676:3**.

RECORDS

1. The records of the Board shall be made available for public inspection at the Fremont Town Hall 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 as required in **RSA 91-A: 2, II**.

JOINT MEETINGS AND HEARINGS

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**).

AMENDMENT

These rules of procedure may be amended by a majority vote of the members of the Board present provided that such amendment is read at a regular meeting of the Board immediately preceding the meeting at which the vote is to be taken.

The adopted procedures and all amendments shall be filed with the Town Clerk for public inspection, and shall be recorded at the Rockingham County Registry of Deeds.

FINAL READING: April 7, 2010 - ADOPTED/AMENDED: April 7, 2010

Roger Barham, Chairman

Fremont Planning Board