

Sandown Planning Board

By-Laws Rules of Procedure General Governing Rules

Approved as amended at a duly noticed Public Hearing – December 7th, 2010

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***Town of Sandown, NH
Planning Board Bylaws, Rules of Procedure and General
Governing Rules***

The Sandown Planning Board shall be governed by the provisions of all State statutes, local laws, ordinances and these bylaws adopted by the Board.

1.0 Membership

The Sandown Planning Board shall consist of seven members, unless that number shall be changed by State law, or by the voters of the Town of Sandown. Six of the members shall be elected by the voters of the Town, two each year, with terms of three years each. Interim vacancies shall be filled by majority vote of those members present at a public hearing or regular monthly meeting of the Board. Interim members elected by the Board will be replaced by members voted by the voters of the Town at each Town election. The Board may also elect up to five alternate members by majority vote of the members present at a public hearing or regular monthly meeting. Terms of alternate members shall be three years each, which shall be staggered per RSA 673:6. Should any voting member or alternate be absent from three or more consecutive public hearings without suitable notification thereof (notifying the Chairman, Vice Chairman or Administrative Assistant). The Board may request in writing that the Board of Selectmen institute removal proceedings as provided for by State law. (Amended 10/3/06)

The seventh voting member of the Planning Board shall be chosen by the Sandown Board of Selectmen, who shall designate the ex-officio member of the Sandown Planning Board. The ex-officio member shall not serve as Chairman. Not more than one Planning Board member shall concurrently serve on any other single Town Board, Commission or Committee as per NH RSA 673:7, I and II. (Two Planning Board members cannot sit on the Board of Adjustment, for example). (Amended 05/18/10)

Alternate member participation: As has been the practice of the Sandown Planning board, alternates to the board may sit at the board table and participate in discussion even at meetings when an alternate is not serving in a voting capacity. (Amended 12/07/10)

2.0 Officers

The officers of the Board shall be the Chairman, the Vice Chairman, and the Secretary and shall be elected annually at the first regular monthly Planning Board meeting following the March Town elections, at the beginning of the meeting. Officers shall be chosen by majority vote of those full members present. All officers may be elected to succeed themselves. No officer of the Planning Board shall be an officer of any other standing Town board, commission or committee. (Effective March Town Vote, 2007). (Amended 10/3/06)

2.1 Chairman

The Chairman shall conduct meetings and hearings, be the official spokesperson for the Board, and designate alternates to replace absent members at a meeting. The Chairman may call special meetings, provided that at least forty eight (48) hours notice shall be given each member before a meeting is held, providing that each member is not out of Town, or otherwise unreachable. The Chairman shall be required to call a meeting within 24 hours receipt of a

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written request from any two (2) members of the Board when abutters or applicant notification is not required, or within twelve (12) days of a written request from any two (2) members of the Board when abutter or applicant notification is required. The Chairman may vote in all cases where he does not have a conflict of interest.

2.2 Vice-Chairman

The Vice-Chairman shall act in the absence of the Chairman, and in cases where the Chairman may be an abutter, or have a conflict of interest with an appellant.

2.3 Secretary

The secretary or designee shall keep the records, see that proper notice is given, and take care of other administrative details and in the absence of a stenographer or recording secretary, the Planning Board Secretary shall keep minutes of any meeting, a summary of facts on which any decisions are based, and the decisions which are rendered. Each member's vote on each case shall be recorded, also. If the Chairman and the Vice Chairman are absent, or it is necessary for both of them to step-down due to a conflict of interest or being an abutter, the Secretary may sit as acting Chairman. (Amended 10/3/06)

2.4 Administrative Assistant

The administrative assistant is required to facilitate the business of the Planning Board. Those duties include but are not limited to the following:

Posting as per NH State RSA requirements

- Posting of agenda
- Posting of Public Hearing(s), Public Meetings
- Preparation, amending and posting of minutes
- Posting is to be in Sandown Town Hall, the Sandown Post Office, the Sandown Web site and when required in a newspaper of general circulation.
- Notification of abutters, and when relevant police, fire and other public safety/service department heads.

Record keeping

- Taking and recording of meeting minutes
- Ensuring correspondence and other written material read into the minutes or used in a meeting; i.e., maps, photos, etc. are attached to the minutes given to Town Clerk with a copy kept in Planning office.
- Agendas and minutes updated as amended: posted, placed on website, filed in Planning office and submitted to the Town Clerk who will date stamp agendas and minutes as proof of receipt.
- Keeping an orderly filing system
- Ensure that agendas, minutes, notices of decision and other pertinent information associated with proposed Zoning Amendments are delivered promptly to Building Inspector, Chair of Board of Selectmen, Chair of Conservation Commission, Chair of Zoning Board of Adjustment, Road Agent, Police Chief, Fire Chief, Town Engineer, and

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Town Counsel, Wetlands Scientist when applicable.

- Ensure that any information covered by the Right to Know Law is available in the Planning office and with the Town Clerk.
- Recording Plats and associated documents at the land registry
- Keeping good record of and sound management of PREA accounts and sureties
- Management of all fees in accordance with town internal control policies.

Public Assistance

- Keeping the Planning Board office open to the public during established office hours and answering the phone
- Assisting the public concerning Planning Board matters

General Facilitation

- Preparing material for board members in advance of meetings including the agenda
- In-coming and out-going correspondence as necessary
- Responding to queries and requests of board members as required
- Collecting various applications and application fees
- Liaising with department heads, businesses and State and Federal agencies when required
- Purchasing office supplies and other office management responsibilities
(Section 2.4 Added 06/01/10)

3.0 Quorum

A majority of the membership of the Sandown Planning Board shall constitute the quorum necessary in order to transact business at any meeting of the Board. At present, four (4) members shall constitute a quorum. No more than two alternate members shall sit in fulfillment of a quorum. Only an alternate chosen by the Board of Selectmen shall sit in place of the ex-officio member.

4.0 Regular Meeting Schedule

The regularly scheduled monthly Sandown Planning Board meeting shall be held at the Sandown Town Hall on the third Tuesday of the month at 7:00 p.m. (Amended 1/19/88). Should the meeting lack a quorum, or need to be rescheduled due to storm, holiday or other circumstances, the new hearing date will be held as soon as possible, with the new date and time posted on the door of the Sandown Town Hall and the Post Office bulletin board and on the Planning Board website, if available. Lengthy meetings will, if necessary, be continued to 7:00 p.m. of the next evening, or rescheduled as soon as possible should the hour exceed 11:00 p.m. of the regular meeting day. Additional meetings will be scheduled as needed. (Amended 06/01/10)

4.1 Work Sessions

Work Sessions shall be held at the Sandown Town Hall on the first Tuesday of every month with the exception of July and August. Additional work sessions may be scheduled as needed. (Amended 06/01/10)

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4.2 Cancellation of Meetings

Neither public hearings or work sessions may be cancelled without the knowledge and consent of the Planning Board Chairman, Vice Chairman and Secretary. Should one of these officers not be available to give their consent, another elected member of the board, to be polled in alphabetical order, must give their consent. (Amended 06/01/10)

5.0 Order of Business

- 5.1 Call of the meeting to order, statement of time and roll call.
- 5.2 Reading and acceptance of minutes of previous meeting.
- 5.3 Urgent or required Board business.
- 5.4 Hearing of the regular monthly agenda.
- 5.5 Board business, hearing of new or proposed laws, regulations, studies, etc.
- 5.6 Other new business.
- 5.7 Adjournment

6.0 Setting of the Agenda

- 6.1 All board members have the right to add items to each meeting agenda within the guidelines of notification requirements. The agenda is to be drafted and circulated to all members at least 24 hours before the posting deadline, to allow for member feedback and revisions. (Amended 06/01/10)
- 6.2 Applications received for Planning Board consideration shall be kept in sequence of the time when the completed application is received in the office. The Chairman shall not schedule for consideration by the board an application which is not substantially complete. (Amended 06/01/10)
- 6.3 Pursuant to State law, an application may only be "accepted" by the Planning Board at a public hearing held by the Board.
- 6.3 Requests by an applicant to be placed on an agenda, for new applications, must be received not less than twenty days prior to the date of the meeting.
- 6.4 Requests by an applicant to be placed on an agenda, other than a new application, must be received not less than fifteen days prior to the date of the meeting.
- 6.6 Information regarding an application under consideration by the Board, or for inclusion on the Miscellaneous Business agenda, must be submitted to the Planning Board office fifteen (15) days prior to the Tuesday night meeting when the information is to be considered. Information submitted after that day or at the hearing shall be taken under advisement and discussed at a time and place to be specified by the Board, unless waived by a majority vote of the Board.

7.0 Notification of Department Heads

Notification to Police, Fire and Public Works Department Heads is required for new applications and material changes of applications under consideration.

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8.0 Public Hearing

Upon receipt of an application (which must be received by the Board Secretary or Administrative Assistant no later than thirty days prior to the meeting at which the application will be accepted), the Board will, at least ten(10) days prior to the meeting date and formal submission and acceptance of the application, notify the abutters and the applicant by certified mail, return receipt requested, of the date upon which the application will be formally submitted to the Board. Notice to the general public shall also be given at the same time by posting in two public places in Town and on the Town of Sandown website. Notification to police, fire and other relevant public service department heads will be made at the same time as abutters are noticed. (Amended 06/01/10)

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

- 8.1 The Chairman shall be the moderator and call the hearing to session.
- 8.2 Members of the board may ask questions at any point during presentation.
- 8.3 Each person who appears shall be required to state his name and address and indicate whether he is a party to the case or an agent or counsel of a party to the case.
- 8.4 Any member of the board, through the Chairman, may request any party to the case to speak a second or additional time.
- 8.5 Any party to the case who wants to ask a question of another party to the case must do so through the Chairman.
- 8.6 The applicant shall be called to present his proposal.
- 8.7 Those appearing in favor of the application shall be allowed to speak.
- 8.8 Those in opposition to the application shall be allowed to speak.
- 8.9 The applicant shall be allowed to speak in rebuttal.
- 8.10 The Chairman shall present a summary setting forth the facts of the case and the claims made for each side. Opportunity shall be given for the correction from the floor.

9.0 Decisions

The Board shall begin formal consideration of the application within 30 days of submission of the completed application, and shall announce the acceptance of the completed application by formal acceptance of the plan (1/19/88). The Board may, after the discussion period, decide to approve, conditionally approve, or deny the plan, or postpone action on the plan until the next monthly meeting.

- 9.1 The Board shall render a written decision on all completed applications within 65 days of the date the application is determined to be complete, subject to extension or waiver as provided in NH RSA 676.4(c)(1). (Amended 06/01/10)

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- 9.2 Notice of the decision will be made available for public inspection within 5 business days after the decision is made, as required in NH RSA 676:3. (Amended 06/01/10)
- 9.3 If the application is disapproved, the Board shall provide the applicant, within three days of the decision, written reasons for the disapproval stating the specific reasons, or regulations which have not been met.
- 9.4 All decisions shall be announced verbally by the Chairman at the meeting and shall be posted at the usual public places of postings in the Town.
- 9.5 Notice of Decision must be recorded with the Mylar. The Mylar must include reference to the Notice of Decision and/or incorporate the Notice of Decision on the Mylar as per NH RSA 676:3. (Amended 06/01/10)

These provisions are intended to be consistent with New Hampshire State Statues RSA 676:2-3 and as amended.

10.0 Revision of the Plan

Substantial revisions of the plans by the applicant, other than in response to requests from the Board, will be treated as new applications and necessitate denial of the original plan.

11.0 Decisions Final

The decisions of the Board shall become final on the date said decisions are made and duly recorded in the official minutes by the Secretary or Administrative Assistant.

12.0 Signing of the Plat

Approved plans, once their precedent conditions are completed, shall be signed at a duly noticed meeting of the Planning Board. Two officers of the board must sign the Mylar.

13.0 Site walks

- 13.1 A site walk is defined as a visit by the Board or a member of the Board to a location which is the subject of an application before the Board, where the visit is in the company of the owner applicant, their agents or employees and involves going onto the property or visiting areas which are not customarily available for public inspection. This does not include a view of a site from adjoining public highways or other observations that can be made without entering on the property.
- 13.2 When the Board deems it necessary for the adequate consideration of an application, the Board shall request the applicant to allow a site walk by the Board.

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- 13.3 When the Planning Board schedules a site walk for Board membership, it shall be posted as a meeting of the Board in accordance with RSA 91-A.
- 13.4 Site walks are public meetings of the Board and as such members of the public are allowed to attend. The Chairman has the authority to maintain decorum and order on a site walk just as at any other meeting of the Board.
- 13.5 The practice of an applicant directly contacting a member to invite that member to visit a property without prior notice to the Chairman shall be discouraged as an inappropriate course of conduct.
- 13.6 When the Board meets to consider an application, the Board and/or individual members of the Board shall disclose whether they have conducted a site walk on the location under consideration.
- 13.7 Minutes of site walks shall be kept only if there is a quorum of the Board conducting the site walk. Minutes shall be in accordance with Section 3.4.
- 13.8 The Board should refrain from making decisions on an application while on a site walk. Any comments, motions or direction to an applicant should be made at the public hearing.

14.0 Joint Meetings and Hearings

- 14.1 As provided in RSA 676:2, joint meetings and hearings may be held with other land-use boards at the discretion of the boards involved.
- 14.2 Joint business meetings with any other land-use board(s) may be held at any time when called jointly by the chairmen of the boards involved.
- 14.3 A public hearing will be held jointly with another board only under the following conditions:
 - a. The joint public hearing must be a formal public hearing on appeals to both boards by the same applicant(s) regarding the same subject matter.
 - b. The Planning Board chairman shall chair the joint hearing as required by RSA 676:2, and the Planning Board's procedures for public hearings shall be followed.
 - c. The other board shall concur with these conditions.

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14.1 Surety Release Process

Upon receipt of original Letter of Credit, or other acceptable form of surety the Planning Board process shall be as follows:

- Distribute to Chairman and Town Engineering Consultant
- Place on agenda as correspondence
- Vet with counsel to ensure:
 - LOC is self calling, self renewing
 - Conditions of release are included in the surety as follows:
 - Surety is not to be released before expiration without a letter on Planning Board letterhead signed by the majority of the Planning Board Members and accompanied by a Notice of Decision signed by the Planning Board Chairman.
 - The institution granting the surety undertakes that all communication with respect to surety must be sent to both the Sandown Planning board and the Sandown Board of Selectmen's Office under separate cover.

Once surety has been accepted:

- File with all other surety information.
- File in Development folder.
- Add to PB spreadsheet with time sensitive tickler
- Copy of revised spreadsheet to be given to Selectmen's Office Manager
- Distribute revised spreadsheet to PB members.

Upon receipt of request for a partial or full release of a surety the following process shall be followed:

- Planning Board to review release request at a regularly scheduled meeting.
- Board will review Town Engineering Consultant report prior to release.
- Notice of Decision of Release of Surety signed by the Chairman.
- Release letter on Planning Board letterhead signed by a majority of board members.
- Copy of release to be sent to Selectmen's Office Manager.

15.0 Standards of Conduct

- 15.1 The primary obligation of Planning Board members is to serve the public interest, and to conduct themselves so as to maintain public confidence in the Planning Board and the conduct of its business.
- 15.2 Members shall not directly or indirectly solicit any gifts or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, premises or in any other form), under circumstances in which it could be reasonably inferred that the gift was intended to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.

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- 15.3 To avoid conflict of interest or even the appearance of impropriety, any member who may receive some private benefit from a public planning board decision must not participate in that decision. The private benefit may be direct or indirect, create a material personal gain or provide an advantage to relations, friends, groups or associations that hold a significant share of the official's loyalty. An official with a conflict of interest must make that interest public, abstain from voting on the matter, and except as specified below, leave the table when the Board members deliberate and vote on a matter.
- 15.4 In circumstances where the number of Board members who may not participate as a result of the provision in 15.3 results in less than a quorum being able to participate in a given question, the abstaining members may be counted as "present" although they are not allowed to participate in any way other than abstaining. A planning board member who is participating only for the purpose of being counted for the presence of a quorum shall be entitled to sit at the table provided that the member does not participate, comment, or make any indication of his/her position.
- 15.5 A board member must not disclose or improperly use confidential information obtained in the course of his duties.
- 15.6 Notwithstanding the above restrictions, a Board member who has an interest in a plan before the Board may, following recusal of himself/herself from the Board, exercise his/her rights as a citizen and address the Board on the issue under review.
- 15.7 Ex parte communications (written or verbal communications from or to a Board member concerning a pending application) impair the procedural due process rights of interested parties and undermine public confidence in the Planning Board. Board members should refrain from initiating ex parte communications on any application. Any requests or inquiries by Board members should be made during public hearings or through appropriate town staff. Members receiving ex parte communications should refrain from responding (citing this section) and refer the party initiating the communication to the appropriate town staff. In appropriate circumstances, the town staff shall advise interested parties of the inquiry or attempted ex parte communication.
- 15.8 All Board members share a responsibility to enforce adherence to the standards or conduct herein. If a member believes that one or more members may either by intention or inadvertence is in violation of these standards, he/she shall call that fact to the attention of the Chairman who shall in turn call it to the attention of the member in question. In the event of a dispute as to whether a member should or should not participate, the question shall be posed to the Board, as to whether the member in question should or should not participate. Such a vote shall be advisory and non-binding and cannot be requested by other than Board members.

16.0 Subcommittees & Advisory Committees

- 16.1 The Planning Board having adopted a Master Plan, is authorized by the Board of Selectmen to prepare and amend a recommended program of municipal capital improvements per RSA 674:5.
- 16.2 The Planning Board shall establish a permanent subcommittee to be known as the Capital Improvement Program Subcommittee of the Sandown Planning Board. The purpose of this subcommittee is to aid the Board of selectmen in their consideration of the annual budget and fulfill the long-term capital needs of the town as defined in the Master Plan.
- 16.3 The subcommittee shall develop a Capital Improvements Program (CIP), projected over a period of at least six years, in a manner deemed appropriate by the Planning Board. The subcommittee is authorized to meet with all municipal departments, agencies, authorities, and boards to develop a statement of all capital projects proposed to be undertaken during the terms of the program.
- 16.4 The subcommittee shall utilize the information obtained to formulate a draft Capital Improvement Program consistent with the goals and needs of the community and shall present the draft, with supporting documentation, to the Planning Board for timely consideration to set the annual budget.
- 16.5 The subcommittee shall incorporate comments received from the Planning Board, and present the final Capital Improvements Program to the Planning Board.
- 16.6 Subcommittees may be established as needed for Site Plan Review Regulation Amendments, Subdivision Review Regulation Amendments, Excavation Regulation Amendments and other similar projects.
- 16.7 The Planning Board shall establish a Master Plan Committee for work on Master Plan Updates. The Master Plan Committee shall be an Advisory Committee of the Planning Board.

17.0 Bylaw Revisions

These bylaws may be revised by first posting such revisions along with the usual monthly postings of agenda and business followed by a majority vote of the members present at a regular monthly meeting. Minor textural changes from the posting may be made at the meeting.

18.0 Final Posting of Bylaws

These bylaws, once enacted, will be filed with the Sandown Town Clerk and will be available for public inspection.

The Sandown Planning Board Bylaws, Rules of Procedure and General Governing Rules were approved as amended at a duly noticed Public Hearing held on December 7, 2010.

_____ Donna Green, Chairman

_____ Mark Traeger, Vice Chairman

_____ Marilyn Cormier

_____ Steven Meisner

_____ Edward Mencis

_____ Matt Russell

_____ Tom Tombarello, Ex-Officio