

## **2024 MILTON PLANNING BOARD BYLAWS**

### **AUTHORITY**

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

### **MEMBERS AND ALTERNATES**

1. The Planning Board shall consist of seven (7) members. The Selectmen shall designate one selectman as an 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 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 chairman as soon as possible. Members, including the chairman 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 Secretary shall forward to the municipal clerk for recording the appointment/election and expiration dates of the terms of each member of the Board.

## **OFFICERS**

1. The officers of the Board shall be as follows:
  - Chairman: 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.
  - Vice-Chairman: 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.
  - Secretary: The Secretary shall keep a full and accurate record of the proceedings of each meeting and record the names of the members present only in the event of Land Use Staff not being present to fulfill such duties. In the absence of the Secretary, the Chairman shall appoint a secretary pro tem to keep records of the meeting.
2. The officers of the Board shall be elected annually during the month of March, after the annual Town Vote, by a majority *vote* of the Board. If requested by a majority of those present, voting shall be by written ballot.

## **MEETINGS**

1. The Planning Board shall meet on the first and third Tuesdays of each month at a time and place designated by the Chairman, unless otherwise specified by the Chairman. Special meetings may be called by the Chairman or, in his/her 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 48 hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting.
2. Nonpublic sessions shall be held only in accordance with RSA 91-A:3.
3. Quorum: A majority (four members) of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular members.
4. If any regular Board member is absent from a meeting or hearing or disqualifies him/herself 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. Such alternate shall have all the powers and duties of a regular member regarding 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.
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 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. 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 him/herself, 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 (unless change is directed at discretion of Chair)
  - a. Call to order by Chairman
  - b. Roll call
  - c. Other business - public comment (on planning issues other than agenda items)
  - d. Report of officers and committees
  - e. Unfinished business
  - f. Hearings on subdivision/site plans
  - g. Reading of communications/Town Planner comments directed to the Board
  - h. Minutes of previous meeting
7. 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.

## **DESIGN REVIEW**

1. Applications for a Design Review Phase (676:4, II (b)) meeting with the Board shall be made on forms provided by the Board and shall be presented to the Board's agent who shall sign and record the date of receipt.
2. Notice shall be given as required in RSA 676:4, I(d) 10 days before such application is submitted to the Board.
3. The plan shall include at a minimum the following items:
  - a. A site location map placing the parcel in the larger context of the community;
  - b. A site survey showing pertinent features of the site;
  - c. An indication of any future subdivisions contemplated in or adjacent to the proposal;
  - d. A topographic map of the area;
  - e. Any soils information, such as permeability or boring data, that has been gathered; and
  - f. A sketch showing the proposed layout of lots, streets, and recreation areas; watercourses; natural features and easements.
4. The board shall determine the conclusion of the Design Review Phase process and inform the applicant.

## **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 who shall sign and record the date of receipt.

2. Notice shall be given as required in RSA 676:4, l(d) 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 30 days of acceptance.
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 Bylaws.

## **NOTICE**

1. Public notice of the submission of and public hearings on each application shall be given in the local newspaper, on the Town Website, and by posting at both the Town Offices and the Post Office not less than ten (10) days prior to the date fixed for submission and consideration of the application.
2. Personal notice shall be made by verified 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. Prior to holding a hearing before the board, the Board must determine if the application before it is a “development of regional impact”.
  - a. If affirmative,
    - i. Then potentially affected municipalities and the regional planning commission must be notified 14 days in advance of a scheduled hearing. The Board shall use the Checklist for Determining Developments of Regional Impact as an aid in deliberating regional impact status (developed using RSA 36:55).
    - ii. The Planning Board shall furnish, by certified mail, within five (5) business days, SRPC and the affected municipalities with copies of the meeting minutes, documenting the decision. SRPC shall be provided an initial set of plans, the cost of which shall be borne by the applicant.
    - iii. The Planning Board shall afford the Strafford Regional Planning Commission (SRPC) and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.
  - b. If Negative,
    - i. The Board may next vote to accept the application as complete (pending any requested waivers and schedule a hearing (probably for the same night).

2. As much information as possible should be provided to all Board Members and Alternates in writing, several days prior to the hearing to allow board members to understand, research and formulate questions.
3. The conduct of public hearings before the Planning Board shall be governed by the following rules:
  - a. All presentations should be limited to highlights of key points.
  - b. Time limits may be imposed by the Chairman prior to the start of the hearing with extended time provided for the applicant's presentation.
4. The Chairman shall call the public hearing in session, read the application, and ask that the applicant or agent identify themselves.
5. The applicant or agent shall present the proposal, and those appearing in favor of the proposal shall be allowed to speak.
6. The Chair shall ask for the Planner's report on the proposal (whether complete or not), the input of the Technical Review Committee, and the need for consideration of any waivers.
7. The Chairman shall ask for a motion and a second, to be made by any seated voting member of the Board regarding the **waivers**, if any and including the reason for acceptance. Waivers should be taken up individually.
8. The Board may initiate a discussion on the motion. Questions to the applicant or staff may occur at the discretion of the Chair.
9. The Chairman calls for a vote on the motion. A simple majority vote carries the motion. In the event of a tie, the Chair casts the deciding vote.
  - a. If the waivers are granted, the hearing may proceed.
  - b. If any of the waivers are denied, the Board may continue the hearing to a date specific that allows the applicant time to revise or correct noted deficiencies required because of the waiver denial. (Refer to No. 19, below)
10. Members of the Board, including alternates (whether seated or not), may ask questions at any point during the presentation.
11. Any party to the matter who desires to ask a question of another party must address their question to the Chair to avoid cross questioning between abutters and the applicant.
12. Any applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing.
13. Each person who speaks shall be required to state his/her name and address and indicate whether they are a party to the matter or an agent or counsel to a party in the matter.
14. Those in opposition to the proposal shall be allowed to speak, directing all comments to the Chair.

15. The Chair then gives the applicant or agent an opportunity to address the concerns and comments and/or clarify any issue raised.
16. The Chair then closes the public hearing for the Board to go into deliberations. Chair informs public that they will not be able to comment any further.
17. The Chairman shall ask for a motion and a second, to be made by any seated voting member of the Board regarding the **proposal**.
18. The Board may initiate a discussion on the motion. Questions to the applicant or staff may occur at the discretion of the Chair.
19. The Chairman calls for a vote on the motion. A simple majority vote carries the motion. In the event of a tie, the Chair casts the deciding vote.
20. In the event a hearing is tabled pending the submission of additional material or information or the correction of noted deficiencies, additional notice is not required if the date, time, and place of the continuation is made known prior to the adjournment of the current Planning Board meeting and abutters and interested parties have not left the meeting.

## **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 Board shall act to approve, conditionally approve, or disapprove.
3. A short form decision notice shall be posted in the Town Offices the next day following the public hearing, however, a Formal Notice of Decision (NOD) will be made available for public inspection at the Town Offices 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**

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, l(d), where they shall consider whether 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 by the Land Use Secretary and shall be made available for public inspection at the Land Use Office as required by RSA 91-A:4.

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 5 business days after the meeting as required in RSA 91-A:2, II.
3. Since a Town 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 zoning board of adjustment, the Historic District Commission, the Building Code Board of Appeals, and the Building Inspector. Each board shall have discretion whether to hold such joint meeting or hearing (RSA 676:2) or not.
2. Joint business meetings with another local land use board may be held at any time when called jointly by the chairmen 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 Chairman 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 Chairman;
  - b. Introduction of members of both boards by Chairman;
  - c. Explanation of reason for joint meeting/hearing by Chairman;
  - 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/her proposal;
  - e. Adjournment.
6. Each board involved in a joint public hearing makes its own decision, based on its criteria for the matter.

## **AMENDMENT**

The Board's Bylaws may be amended by a majority vote of its members. The Board shall hold a public hearing prior to adoption of new Bylaws or amendment of existing Bylaws. Notice for the time and place of the hearing shall be as provided in RSA 675:7. The amended Bylaws shall be filed with the municipal clerk.