



TOWN OF PITTSFIELD  
NEW HAMPSHIRE

PLANNING BOARD

RULES OF PROCEDURE

ADOPTED JUNE 1988  
AMENDED JUNE 1996  
AMENDING AUGUST 2001  
AMENDED JULY 7, 2005  
AMENDED AUGUST 6, 2009  
**AMENDED FEBRUARY 18, 2010**

**TOWN OF PITTSFIELD  
PLANNING BOARD**

**RULES OF PROCEDURE**

**I. AUTHORITY**

These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, Chapter 676:1.

**II. MEMBERSHIP; TERMS OF OFFICE; OFFICERS;  
VACANCIES**

1. Pursuant to RSA 673:2, the Planning Board shall consist of seven (7) members, six (6) of whom shall be residents of the community elected at Town Meeting, and the seventh member shall be a selectman designated by the Board of Selectmen as an ex-officio member with the power to vote.
2. Except for the Selectmen's representative, members shall be elected in staggered terms pursuant to RSA 673:5. The membership of the Board shall be elected in such a manner so that two (2) members shall be appointed each year.
3. Term of Office shall commence upon election and after the Board member has been sworn in.
4. The Planning Board shall elect officers from its members, provided, however, that the Selectmen's ex officio member shall not serve as Chairman. RSA 673:8 provides that the Board may create other officers as deemed necessary.

5. A Chairman shall be elected annually in the month of April or at such times as may be determined by the Board by a majority vote of the Board members present and voting. Said Chairman shall serve for one year and shall be eligible for re-election. The Chairman shall preside over meetings and hearings and shall make such appointments as the Board may direct and shall act for the Board on all matters not requiring a vote of the members.

6. A Vice-Chairman shall be elected annually as provided in No. 5 above. The Vice-Chairman shall have the full powers and duties of the Chairman on all matters that come before the Board during the absence of the Chairman.

7. A secretary shall be appointed as needed. The secretary shall be responsible for preparing and maintaining minutes of all meetings and hearings, and for filing minutes with the Town Clerk as provided by RSA 91-A:2, II, and for such other functions as the Board shall direct. However, the Board may retain a recording secretary whose minutes shall be reviewed by the Board for accuracy. The Secretary shall countersign the Chairman's endorsement of the Board's approval on plats and other documents as required. In the absence of the Secretary, the Vice-Chairman shall countersign the endorsement of the Board's approvals.

8. An elected Planning Board may appoint five (5) alternate members for a term of three (3) years each, which shall be staggered in the same manner as elected members pursuant to 673:5, II.

9. Removal of members shall be in accordance with RSA 673:13, II: after public hearing, elected members and alternates may be removed by the Board of Selectmen upon written findings of inefficiency, neglect of duty, or malfeasance in office.

### III. ADMINISTRATIVE ASSISTANCE

The Office of the Building Inspector, the Office of the Town Administrator, **and the Central New Hampshire Regional Planning Commission (CNHRPC) Circuit Rider** shall provide administrative assistance to the Board **on an as-needed basis**. The assistance shall ordinarily include the following:

1. **Representatives from the Office of the Building Inspector and the Office of the Town Administrator shall** receive applications and fees for Site Plan Approvals, Subdivision of Land, Mergers of Lots, Boundary Line Adjustments, Earth Excavations, requests to amend the Zoning Ordinances, applications for Driveway permits, requests for re-hearings, and other filings that are required to be received and heard by the Planning Board.
2. **The CNHRPC Circuit Rider, a representative from the Office of the Building Inspector, and a representative from the Office of the Town Administrator shall review all applications or filings under No. 1 above.**
3. **The CNHRPC Circuit Rider, a representative from the Office of the Building Inspector, and a representative from the Office of the Town Administrator shall hold a “pre-application” meeting with applicants for No. 1 above to review plans and/or application material. Feedback will be given to the applicant at this meeting as to what may be needed for a completed application, as well as what may be needed for regulatory compliance or any other issues pertaining to the approval process.**
4. **Following the pre-application meeting described in No. 3 above, the CNHRPC Circuit Rider will provide a memorandum to the applicant outlining any and all deficiencies or issues with regard to the proposed plan or application. Applicant will have the option to update plans and/or application materials and resubmit them to the Circuit Rider Planner for final recommendation to the planning board. Should the Applicant choose to not revise the plans and/or materials, the Circuit Rider Planner shall forward his initial**

**comments to the planning board along with an appropriate recommendation.”**

- 5. Once the Circuit Rider Planner receives updated information from the applicant, he/she will update the initial review memorandum. The applicant will then be provided with the updated review memorandum; the Planning Board will be provided with the updated memorandum and the original memorandum.**
- 6. The CNHRPC Circuit Rider, a representative from the Office of the Building Inspector, and a representative from the Office of the Town Administrator shall attend planning board meetings, as needed, to present and discuss any information, findings, or deficiencies pertaining to application(s) to the board.**
- 7. The CNHRPC Circuit Rider, a representative from the Office of the Building Inspector, and a representative from the Office of the Town Administrator shall** conduct such correspondence as the Board may direct regarding applications submitted under No. 1 above or the enforcement of orders of the Board.
- 8. Representatives from the Office of the Building Inspector and the Office fo the Town Administrator shall** provide other administrative assistance as may be required in order to fulfill the obligations of the Board.

#### **IV. MEETINGS AND HEARINGS**

1. Meetings shall be regularly held each month on the first Thursday at 7:00 PM. Notice of the time and place of each meeting shall be given to Board members and alternates and shall be posted in two places in the Town, at least 24 hours, excluding Sundays and legal holidays, before such meeting, as required by RSA 91-A:2, II. The Board shall hold work sessions as needed; they will ordinarily be held on the third Thursday of each month at 7:00 PM.

2. Regular or special meetings of the Board shall be held in Town Hall unless the Board shall vote to meet at some other different place for a particular meeting.
3. Special meetings of the Board shall be held at the call of the Chairman or by written request of a majority of the Board members.
4. Any Board member who will be unable to attend a meeting shall notify the Chairman, Vice Chairman, Town Administrator, or Building Inspector as soon as possible. The Board encourages members and alternate members to attend all meetings of the Board. Members who are consistently absent may be subject to removal in accordance with RSA 673:13.
5. Public Hearings on applications and approvals for the actions under the jurisdiction of the Board will be held in conjunction with the regular meeting. Notice of each public hearing shall be sent by certified mail to the applicant and every abutter, shall be posted, and shall be published in a newspaper of general circulation in the area for not less than five (5) days before the date fixed for the hearing of the appeal. Notice shall also be given to the Board of Selectmen and to others whom the Board feels may have an interest in the case.
6. A public hearing shall be held within thirty (30) days of receipt of a completed application.
7. Following the approval of a subdivision, the Chairman or Vice Chairman and Secretary will sign and date the Plot Plan and instruct that the Plan be recorded with the Registry of Deeds within 10 calendar days of approval.

Should a subdivision be conditionally approved, the Plot Plan will be signed following the receipt of documentation that substantiates fulfillment of said conditions.

The Planning Board will provide a written notice of decision to the applicant for either approval or denial of the application.

Any notice of decision approving the application will either be recorded with or on the plat.

8. All meetings and records of the Board shall be open to the public in accordance with RSA 91-A:4. Minutes shall be available within five (5) business days of the Board meeting.

## **V. QUORUM**

1. A quorum for all meetings of the Board shall be four members, including alternates sitting in place of a regular member.
2. If any regular Board member is absent from any meeting or hearing, or disqualifies himself from sitting on a particular case, the Chairman shall designate an alternate member to sit in place of the absent or disqualified member, and such alternate shall be in all respects a full member of the Board while so sitting.
3. An affirmative vote of a majority of members voting on a motion shall be sufficient for adoption of the motion. Members of the Board present may be counted to determine whether a quorum is present although they may abstain from voting affirmatively or negatively. Persons abstaining shall not be considered "members voting" in determining whether a motion has been adopted. Members are expected to vote on matters before the Board, unless that member has recused himself/herself. Abstaining from a vote is discouraged, unless the issue pertains to business that took place when the member was absent.

## **VI. DISQUALIFICATION**

If any member shall find it necessary to disqualify himself from sitting in a particular case, he shall notify the Chairman, Building Inspector, or Town Administrator as soon as possible so that an alternate may be requested to be present to sit in his/her place. The disqualification shall be announced by either the Chairman or the member disqualifying himself before the beginning of the public hearing on the case. The member disqualifying

himself shall absent himself from the Board table during the public hearing and during all deliberation on the case in accordance with RSA 673:14: No member of the Planning Board 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. (See RSA 673:14, I.) RSA 500-A:12 provides that any juror may be required by the court, on motion of a party in the case to be tried, to answer upon oath if he:

- (a) Expects to gain or lose upon the disposition of the case;
- (b) Is related to either party;
- (c) Has advised or assisted either party;
- (d) Has directly or indirectly given his opinion or has formed an opinion;
- (e) Is employed by or employs any party in the case;
- (f) Is prejudiced to any degree regarding the case; or
- (g) Employs any of the counsel appearing in the case in any action then pending in the court.

If it appears that any juror is not indifferent, he shall be set aside on that trial.

## **VII. ORDER OF BUSINESS**

The order of business for a regular meeting shall be as follows:

1. Roll call and confirmation of a quorum.
2. Minutes of the previous meeting.
3. Public Hearings on completed applications for subdivision or site plan.
4. Public Hearing on design review stage of subdivision.
5. Conceptual consultation of subdivision or site plan.
6. Other business.

**Planning Board Chair reserves the right to adjust the order of the agenda in the event he/she feels it is necessary.**

### **VIII. CONDUCT OF PUBLIC HEARINGS**

The conduct of Public Hearings shall be governed by the following rules:

1. The Chairman shall declare the hearing in session.
2. The applicant shall be called to make his/her presentation on the request.
3. The applicant shall be allowed to speak to the comments and/or testimony of those in opposition to the proposed action.
4. Members of the Board may ask questions at any point during the presentation. Questions shall be directed through the Chairman.
5. Any person who is not a Board member or alternate and who desires to ask a question of another person must do so through the Chairman.
6. The Chairman, at his/her discretion, may permit other interested persons to speak or to ask questions pertinent to the application.
7. Each person who speaks shall be required to state his/her name and indicate whether he/she is a party to the application, or an agent or counsel to the application, or an abutter or other interested person.
8. The hearing on the application shall be declared closed, and the next application called up.

### **IX. JOINT MEETINGS AND HEARINGS**

1. RSA 676:2 provides that the Planning Board may hold joint meetings or hearings with other Town "land use boards," including the Board of Adjustment, the Building Code Board of Appeals, and the Inspector of Buildings, and that each Board shall have discretion as to whether to hold a joint meeting with any other land use board.

2. Joint business meetings with any other land use board may be held at any time when called jointly by the Chairman of two boards.
3. A public hearing on any appeal to the Board of Adjustment will be held jointly with that Board only under the following conditions:
  - i. The joint public hearing must be a formal public hearing on appeals to both boards regarding the same subject matter.
  - ii. RSA 676:2 requires that the Chairman of the Planning Board shall Chairman the joint hearing.
  - iii. The provisions covering the conduct of public hearings, set forth in Section VIII of the bylaws, together with such additional provisions as may be required by the other board, shall be followed.
  - iv. The other board shall concur with these conditions.

## **X. APPLICATION FOR SITE PLAN OR SUBDIVISION APPROVAL**

1. Each application for approval of actions under the jurisdiction of the Board shall be made on forms provided by the Board and shall be presented to the Office of the Building Inspector. The person receiving the application shall stamp it with the date received, note the fee paid, and initial it. **The Building Inspector will then notify the Central New Hampshire Regional Planning Commission (CNHRPC) Circuit Rider and the Planning Board Secretary of said application being received. The Building Inspector, Circuit Rider, and Planning Board Secretary will then schedule a “pre-application” meeting with the applicant the Wednesday of the following week.**
2. **Upon submission of initial Application materials (Application forms and associated plans), the Board's Agents, shall meet with the applicant at a pre-application meeting to review the Application and make an initial review regarding the application's completeness in accordance to Sections IV and V of**

- the Site Plan Review Regulations or Section 6 of the Subdivision Regulations. Only Application materials received as of the stipulated deadlines in those sections of the Regulations shall be considered. Applications shall be placed on the agenda for the next regularly scheduled Planning Board meeting for Receipt of Application.**
- 3. If the initial Application is found to be incomplete by the Planning Board, the Applicant shall be notified in writing by the Chair or his/her designee. The Applicant shall also be informed of those requirements and/or plan amendments needed to make the Application sufficiently complete for scheduling on the Planning Board agenda.**
  - 4. The Board as a whole shall make the final determination regarding completeness of the Application and its acceptance for the full Application process at a regularly scheduled meeting of the Board under an agenda item for Receipt of Application. Only Application materials received as of deadlines noted in section VII A of these Rules shall be considered at such a Board meeting.**
  - 5. Deadlines and guidelines for submission of revised Application materials shall be as follows:**
    - A. Revised Subdivision, Site Plan Review Application materials must be submitted no later than seven (7) calendar days prior to the regularly scheduled meeting of the Board where the application is placed on the agenda.**
    - B. Only those Application materials received as of these deadlines shall be considered by the Board at a meeting for which the Application is placed on the agenda.**
  - 6. The Board will cause notice of public hearing to be given and will act at its regular monthly meeting on all applications that are properly**

completed and received at least **twenty one (21)** days before the date of said meeting.

7. Within **sixty-five (65)** days after submission of the completed application, the Board shall act to approve, conditionally approve, or disapprove the application. The result of the Board's decision will be made available for public inspection within **five (5) business days**, as required by RSA 676:3, and shall be filed with the records of the Board. If the application is denied, the notice shall include the reason therefor. **If agreed upon with the applicant, the deadline can be extended**
  
8. **Once the Planning Board has ruled on an application (approval or denial) a written decision will be made available to the applicant and will be posted at Town Hall within five (5) business days. The notice of decision will be filed with or on the plat at the Merrimack County Registry of Deeds.**

#### **XI. INSTRUCTIONS TO APPLICANTS**

The Board shall provide written instructions to any person who may inquire about filing an application for any land use control under the jurisdiction of the Board.

#### **XII. COMMUNICATIONS**

Any communications, advertising, or letters to the editor by the Planning Board or any committees appointed by the Planning Board must be reviewed by the Town Administrator and approved by the Planning Board.

#### **XIII. AMENDMENT**

These Rules of Procedure may be amended by a majority vote of the Board members present and voting.

#### **CERTIFICATION**

These Rules of Procedure were adopted by a majority vote of the Pittsfield Planning Board on

Date: **February 18, 2010**

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