

## **RULES OF PROCEDURE**

Revisions dated 1/7/21

Adopted 4/7/88; Revised 8/2/90, 4/2/92, 12/1/94, 8/3/00, 10/18/01, 4/7/05, 4/06/06, 12/18/08, 2/4/10, 10/21/10, 1/7/21

### **I. GENERAL**

- A. In accordance with RSA 676:1, these Rules shall govern the procedures by which the Planning Board shall receive and act upon communications or Applications.
- B. Generally, capitalized terms in these rules shall have the same definitions as contained in the Subdivision or Site Plan Review Regulations of the Town of Bow.
- C. For the purposes of these rules, the "Board's Agent" shall mean the Town Planner.

### **II. OFFICERS**

- A. Annually, the Board shall elect officers at a duly noticed regular meeting or work session which occurs after the Board of Selectmen have made appointments for the coming year. The election shall be held after the Annual Town Meeting but no later than the August Planning Board meeting.
- B. The officers of the Board shall include a Chair, Vice-Chair, and Secretary. The officers shall serve until they resign or their term expires.
- C. The duties and responsibilities of the officers are as follows:
  - 1. The Chair shall preside over all meetings of the Board. The Chair shall be spokesperson for the Board and shall be responsible, in coordination with the Town Planner and Board Recording Secretary for receiving and sending communications relative to the Board's business, preparation and distribution of meeting minutes and agendas, posting and publication of meeting notices, and preparation and distribution of Board Notices of Decision.
  - 2. The Vice-Chair shall exercise the duties of the Chair in the absence or unavailability of the Chair or when the Chair specifically requests.
  - 3. The Secretary shall certify all approved minutes of the Board meetings. In the absence or unavailability of the Chair and Vice-

Chair, the Secretary shall exercise the duties of the Chair.

4. In the absence or unavailability of the Chair, Vice-Chair, and Secretary, the members present at a duly posted meeting shall select a regular member to exercise the duties of the Chair.

### III. COMMUNICATIONS

- A. All written communications to the Board shall be directed to:

Chair of the Bow Planning Board  
Bow Municipal Building  
10 Grandview Road  
Bow, NH 03304

- B. Between meetings, parties may directly contact the Board's Agent at the Municipal Building for information and assistance.

### IV. MEETINGS

- A. All meetings and work sessions of the Board are open to the public except when the Board shall legally vote to adjourn to an Executive Session.
- B. All Permanent and Alternate members of the Board are expected to attend all meetings. When there is an insufficient number of Permanent members to equal a quorum at a Board meeting, the Chair shall have the discretion to designate Alternates to vote in place of the absent Permanent members. The Chair shall also have the discretion to designate additional Alternate members to vote to achieve a maximum meeting complement of seven (7) voting Board members.

When Alternates are not designated to vote, they may participate in discussions and deliberations of the Board, but shall not vote.

- C. A quorum of the Board is a total of four (4) Full-time members and/or Alternates designated to vote by the Chair. Any action of the Board may be adopted by a majority vote of those present and voting, but in no event by less than three (3) full-time or designated voting Alternate members of the Board.
- D. Unless otherwise designated in the public notices, all meetings of the Board shall be held at the Town of Bow Municipal Building, 10 Grandview Road, Bow, NH.
- E. Applications and public hearings which have not been considered by the Board by 9:45 PM shall be continued to a time and a place to be

announced. No new notice of the adjourned meeting shall be required.

- F. All persons shall be allowed to observe, record, file and/or videotape public Board meetings so long as they are not disruptive and do not interfere with the conduct of the Board business. In the event of a disruption, the Chair may order the offending parties to leave the meeting room or cease the activities which are causing the disturbance.

On-site visits are considered public Board meetings. On-site visits shall be conducted according to the following policies.

1. The group shall stay together. Persons who want to go to another part of the site, need permission of the chair and property owner, unless the group moves to that place.
  2. Persons can video record or take pictures of the matter before the Board or of the attendees. Video and camera use can be restricted from items not related, or only tangentially related, to the matter before the Board.
  3. The use of recording equipment shall be discussed when the site visit is scheduled. Audio recorders are permitted. The Board can prohibit the use of video recorders and cameras where matters subject to RSA 91-A:3, II,(i) are present at the site. If the use of video recorders or cameras is to be restricted, the reasons and ground rules for such use shall be established when the site visit is scheduled.
- G. When authorized by RSA 91-A:3, the Board may hold all or a portion of a meeting in Non-Public Session upon a majority roll-call vote in favor of a motion to that effect. Minutes of the Non-Public Session shall be kept in conformance with RSA 91-A.
  - H. The participation of Board members in decisions before the Planning Board shall be made in accordance with RSA 673:14 in regards to conflict of interest.
  - I. Periodically the Board shall schedule a session for discussion of general planning and development issues which arise during the conduct of regular business.

## V. PUBLIC HEARINGS

- A. The Chair shall preside over all hearings.
- B. Persons requesting to speak during that portion of the hearing open to the public shall address all comments to the Board. All speakers must state their name and address.

- C. Upon calling a hearing on an Application, the Chair shall afford the Applicant or his/her agent(s) an opportunity to present the proposal and respond to any questions or concerns expressed by the Board. Proposal presentations shall not exceed 15 minutes.
- D. Abutters, persons with a direct interest in the Application, and Town Officials or their agents may testify in person at the hearing, or in writing at or before the hearing. All others shall be permitted to testify at the discretion of the Chair.
- E. The Chair shall have the discretion to limit each speaker who is an Abutter, one who has a direct interest in the Application, or a Town Official to five (5) minutes, and all others to a reasonable time. Each speaker may be limited to two (2) opportunities to address the Board at one hearing. Those who wish to testify are encouraged to submit their comments in writing in advance of a hearing to assure that their comments shall be conveyed to the Board even if time prevents them from fully expressing their views at the hearing.
- F. The Chair shall close the public hearing after all parties have been heard and the Board shall proceed to consider action on the Application.
- G. The vote of each Board member shall be recorded as favoring, opposing, or abstaining.
- H. The Board shall record all of the proceedings and shall vote to adopt written minutes. Meeting minutes shall conform to RSA 91-A:2 and shall include the names of members, persons appearing before the Board, a brief description of the subject matter discussed, and any final decisions. The recordings shall be kept for a period of twenty years in the offices of the Board Agent and made available upon request. The individual making the request must bear the expense of any later transcription performed at his/her request.

## VI. JOINT MEETINGS OR HEARINGS

- A. Two or more land use boards may at their discretion hold a joint meeting or hearing when the subject matter of the requested permit is within the responsibility of those land use boards, either at the request of an applicant or at the request of one of the land use boards. When meeting jointly, both land use boards are meeting in their full capacity with full authority to make decisions.
- B. Not less than a quorum of each involved Board shall attend the joint hearing or meeting.

- C. The Planning Board Chair shall chair joint meetings unless the Planning Board is not involved with the subject matter of the requested permit. In that situation, the Board members present shall select an interim Chair from among their members.
- D. Except as modified by these Rules, the land use boards shall follow their usual procedures when conducting a joint meeting to the extent that it is reasonable and appropriate to do so. To the extent that the usual procedures are inconsistent with one another, the land use boards may vote to jointly adopt rules of procedure that are equitable to expedite the joint hearing process.
- E. Both Boards shall keep their own minutes of the meeting.
- F. The procedure for a hearing shall be as follows:
  - 1. The Applicant shall first make his/her presentation.
  - 2. At the close of the presentation, the members of the two Boards shall have the opportunity to ask any questions.
  - 3. After all Board members have asked all of the questions they have at that time, comments and testimony shall be taken from the public.
  - 4. After all public testimony is received, the Boards shall jointly discuss the Application as it affects the land use boards. The Board members shall feel free to ask questions of their fellow Board members as well as members of the other Board. The purpose of this portion of the process is to allow the Boards to exchange their concerns and ideas.
  - 5. Each Board may separately deliberate the application and make a decision as it relates to that particular Board's area of authority.
  - 6. The Chairs of the respective Boards shall chair the separate deliberations.
- G. Each Board shall provide separate notice to the Applicant of any official actions taken by the Boards at the joint meeting.

## VII. APPLICATION PROCEDURES

- A. Upon submission to the Board's Agent of initial Application materials (Application forms and associated plans), the Chair or his/her designee, in

coordination with the Board's Agent, shall meet to review the Application and make the initial determination that the Application is complete in accordance with Section 7.02 A of the Site Plan Review Regulations or Section 4.03 C and/or 4.05 A of the Subdivision Regulations. Only Application materials received as of the stipulated deadlines in those sections of the Regulations shall be considered. Applications determined to be complete shall be placed on the agenda for the next regularly scheduled Planning Board meeting for Receipt of Application.

- B. If the initial Application is found to be incomplete, the Applicant shall be notified in writing by the Chair or his/her designee that the Application shall not be scheduled for the next Board meeting. 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. The deadline for receipt of amended plans shall be as referenced in VII A of these Rules (no later than the fourth Thursday prior to a regular meeting of the Board for Preliminary Subdivision and Site Plan Review Applications, or the third Thursday prior to the meeting for Final Subdivision Applications).
- C. 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.
- D. Deadlines for submission of revised Application materials following their acceptance by the Board shall be as follows:
  - 1. Revised Preliminary Subdivision, Final Subdivision, and 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. The Board may extend or reduce this time period where deemed appropriate for adequate review by Town staff and officials. The Applicant shall be informed of the date of the deadline at the time of acceptance of the Application by the Board.
  - 2. 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.

#### VIII. ADMINISTRATIVE CONDITIONAL USE PERMIT APPLICATION PROCEDURES

- A. At the time of submission to the Board's Agent of Conditional Use Permit (CUP) Application materials (Application forms and associated plans), the applicant or his/her agent may request the administrative procedure for his/her application in accordance with Section 12.02 C of the Zoning Ordinance. If the CUP application qualifies for administrative review procedures, the application shall be processed as follows:
1. The Board's Agent shall determine if the application is complete. If the initial application is found to be incomplete, the applicant shall be notified by the Board's agent that the application shall not be processed. The applicant shall be informed of the requirements to make the application sufficiently complete to initiate the process.
  2. Once the application is complete, the Board's Agent shall:
    - a) provide a copy of the application to the Conservation Commission and a reasonable amount of time to review and comment on the application;
    - b) provide a notice, by certified mail, of the application to all abutters to the application. The notice shall provide at least 15 days for abutters and interested parties to comment on the application. The 15 day comment period shall start on the date the notice was mailed;
    - c) post a notice of the application in at least two public places at least 15 days prior to the issuance of the decision on the application.
  3. After the conclusion of the 15 day notice period and after the Conservation Commission has had an opportunity to review and comment on the application at a regularly scheduled meeting, the Board's Agent shall render a decision. The decision shall be in compliance with sections 12.05 and 12.06 of the Zoning Ordinance, except that no public hearing shall be required.
  4. Any person aggrieved of the decision of the Board's Agent, may file a written appeal of the decision with the Planning Board. The written appeal shall be submitted to the Board's Agent within 30 days of the issuance of the decision and shall include the entire basis and reasons to support the appeal. Within 35 days of the receipt of a written appeal, the Planning Board shall decide whether to hear the appeal. If the Board decides to hear the appeal, the applicant and all abutters shall be informed of the time and location for the hearing. Appeals from the decision of the Planning Board shall be made in accordance with section 12.07 of the Zoning Ordinance.
  5. For administrative conditional use permit applications, the Town

Planner shall be the Board's Agent.

IX. REMOVAL FROM OFFICE

- A. Members and officers of the Bow Planning Board shall be removed only for cause and only in conformance with RSA 673:13.
- B. Three consecutive un-excused absences or five un-excused absences within one year may be considered neglect of duty per RSA 673:13.

X. MISCELLANEOUS

- A. These Rules may be amended at any regular meeting of the Board for which proper notice of the amendment is given.
- B. The Chair or Vice-Chair is hereby authorized to sign the mylars of a plat documenting existing lot lines (creating no new lot lines) without having to go through formal application procedures. Said plat shall have the following signature block for the Chair/Vice-Chair to sign:

This survey plat documents existing lot lines only and was approved by the Bow Planning Board on

\_\_\_\_\_  
(date)

\_\_\_\_\_  
Chair/Vice-Chair  
Bow Planning Board

**Planning Board RULES OF PROCEDURE were**

Amended on January 7, 2021, at a regular meeting of the Planning Board.

attest: \_\_\_\_\_  
Donald Berube, Jr., Chair dated