

# SHARON PLANNING BOARD

## RULES OF PROCEDURE

### ARTICLE I – Authority, Name and Function of Board

1. Authority. RSA 676:1 requires that every land use board adopt rules of procedure (or bylaws) concerning the method of conducting its business. Rules of procedure shall be adopted at a regular meeting of the board and shall be placed on file with the town clerk for public inspection.
2. Name. The Board shall be known as the Sharon Planning Board, hereinafter referred to as the "Board".
3. Function of the Board. The Board shall perform the duties assigned to planning boards under the provisions of Title LXIV of the New Hampshire Revised Statutes Annotated relative to "Planning and Zoning", including, but not limited to, the duties specified in Chapter 674 of the New Hampshire Revised Statutes Annotated (hereinafter referred to as RSA's).

### ARTICLE II – Membership

1. Membership. The membership of the Board shall consist of four (4) members, one (1) ex-officio selectman and up to three (3) alternates appointed by the Sharon Board of Selectmen, in accordance with the provisions of RSA. 673:2, and RSA. 673:6. All members must be residents of the Town.
2. Terms of Members. The terms of office of members and alternate members of the Sharon Planning Board shall be for three (3) years, as provided in RSA. 673:2 and RSA. 673:6.
3. Filling Vacancies in Membership. Vacancies in the membership of the Board, occurring other than through the expiration of a term of office, shall be filled by appointment by the Sharon Board of Selectmen, in accordance with the provisions of RSA. 673:12, for the unexpired term. In accordance with RSA 673:12, the chair may designate an alternate member of the board to fill a vacancy on the board temporarily until the vacancy is permanently filled. If the vacancy is for an ex officio member, the chair may designate only the person who has been appointed to serve as the alternate for the ex officio member.
4. Designation of Alternate Members. Whenever a regular member is absent, or whenever a regular member disqualifies himself/herself, the chair may designate an alternate, if one is present, to act in the absent member's place. Alternate members shall be appointed by the chair on a rotating basis, except if an alternate has been seated for a Public Hearing or Application which was adjourned and when resumed, the alternate shall remain for the balance of the Hearing. An ex officio alternate shall act only in the place of an ex officio regular member.

5. Removal of Members. In accordance with the provisions of RSA 673:13, after public hearing, appointed members and alternate members of the Board may be removed by the appointing authority upon written findings of inefficiency, neglect of duty or malfeasance in office. The Sharon Board of Selectmen may, for any cause enumerated in this section, remove the Board member selected by it.

### ARTICLE III – Officers

1. Officers. In accordance to the provisions of RSA 673:8, the officers of the Board shall consist of a Chair, and a Vice-Chair, who shall be elected annually at the first regularly scheduled meeting of the Board after the March Town Meeting.

2. Chair. The Chair shall be elected annually by a majority vote of the Board. He/She shall preside over all meetings and hearings, appoint such committees as directed by the Board, and carry out other duties appropriate for the chair. An ex-officio member may not serve as Chairperson (RSA 673:9).

3. Vice Chair. In the absence of the Chair, the Vice-Chair shall preside at all meetings and hearing of the Board and shall assume the duties of the Chair during such proceedings.

4. Secretary. The Secretary shall serve as staff to the Board and be responsible for administrative tasks and other duties as may be assigned by the Board. If appointed by the Selectmen, the Secretary may also serve as an Alternate to the Board.

5. Acting Secretary. In the absence of the Secretary, the Chair shall appoint an Acting Secretary who will perform the duties of the Secretary. If the appointee is a member or alternate, they continue the privileges of their position.

6. Chain of Command. In the absence of the Chair, the order of succession shall be as follows:

1. Vice-Chair

2. A member elected by a majority of the members present at the meeting of the Board. The person acting as Chair pursuant to this section shall assume the duties of the Chair until such time as the Chairman or/or Vice-Chair are present.

7. Vacancies among Officers. Should the office of Chair, or Vice-Chair become vacant, the Board shall elect a successor from its membership to serve the unexpired term of said office.

8. Rights and Responsibilities of Alternates. It is the policy of the Board that any alternate member of the board being present at a regular or special meeting shall have the privilege of sitting at the table, and participating in the discussion, but without the privilege of making or seconding motions, or voting upon motions before the Board, pursuant to RSA 673:6V. All alternates are encouraged to attend all regular and special meetings in order to be current of board activities and decisions.

9. Rights and Responsibilities of Sharon Citizens. All citizens of the Town of Sharon are encouraged to attend and participate in the discussions of the board (unless the Board goes into Nonpublic Session (Executive Session), as prescribed in RSA 91-A), and the chair will attempt to facilitate these exchanges with the board, by requesting that the citizen indicate their desire to speak by the raising of a hand. It should be noted that during a public hearing on an Application before the Board, all public utterances should be directed to the board and not to the applicant.

#### ARTICLE IV - Meetings of the Board

1. Regular Meetings. Regular meetings of the Board shall be held on the second Tuesday of each month at such time and place as the Board shall designate in the official notice of such meeting posted and otherwise noticed pursuant to and in accordance with the provisions of Chapter 91-A of the New Hampshire Revised Statutes Annotated. In the event that such day is a legal holiday or for other good cause, the regular meeting of the Board may be either be cancelled or held at an alternate time, duly noticed, at the call of the Chair.

2. Special Meetings. Special meeting of the Board shall be held at the call of the Chair at such time and place as designated by the Chair in the official notice of such meeting posted pursuant to and in accordance with the provisions of Chapter 91-A of the New Hampshire Revised Statutes Annotated (a minimum of twenty-four (24) hours is required). Special meetings of the Board may also be called by the Chair or Vice-Chair upon written request of three (3) members, made to the Chair. Notice of any such special meeting shall be posted and otherwise noticed pursuant to and in accordance with the provision of Chapter 91-A of the New Hampshire Revised Statutes Annotated and e-mailed to all members and alternates of the Board at least five (5) days prior to the date of this Special Meeting.

3. Quorum. At all meetings of the Board, either regular, or special, three (3) members, including no more than one (1) alternate sitting in place of a member, shall constitute a quorum for the conduct of business.

4. Lack of Quorum. If a quorum is not present, the Chair may adjourn the meeting to a day and hour fixed by the Chair.

5. Order of Business. Unless otherwise specifically stated in the notice/agenda of the meeting the order of business for all meetings shall be as follows:

- I. Call to order (by the Chair)
- II. Seating of alternates
- III. Call for amendments to prior minutes.
- IV. Communications from the chair.
- V. Reports of officers and committees
- VI. Continued applications
- VII. Unfinished business
- VIII. New applications
- IX. Other business
- X. Adjournment

6. Minutes. The Secretary to the Board shall prepare a preliminary draft of minutes, and circulated to the full Board (including alternates) for review. These minutes shall be prepared and made available for the public within five (5) business days after the meeting. Minutes for the prior meeting(s) shall be reviewed at both regular and special meetings. Once the Board has approved the minutes or approved the minutes with changes, the secretary shall place a copy of the approved minutes, incorporating any changes, into the permanent file and remove any drafts thereof.

7. Motions before the Board. Prior to any vote being called by the Chair, a formal motion must be made and seconded by voting members of the board, and recorded in the minutes.

8. Manner of Voting. At the discretion of the Chair, or upon request of any member, voting by the Board shall be by roll call vote, the results of which shall be recorded in the Minutes.

9. Disqualification of Member.

(a) In accordance with the provision of RSA. 673:14, no member of the 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 such 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 services of juror or knowledge of the facts involved gained in the performance of the member's official duties.

(b) When uncertainty arises as to the application of paragraph (a) above to a Board member in particular circumstances, the Board shall, upon the request of that member or another member of the Board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding, and may not be requested by persons other than Board members, except as provided by local ordinance or by a procedural rule adopted under RSA 676:1.

(c) Any member disqualified pursuant to this section shall absent himself from the Board table during the public hearing and during all deliberations on the matter in question. Such disqualification shall be noted in the minutes of the hearing. A disqualified member, in his/her capacity as a citizen of the Town, may sit in the public area and participate with the privileges of a citizen.

## ARTICLE V – Applications for Hearings before the Board

1. Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the Town Clerk, Town Administrator or the Chair, who shall sign and record the date of receipt. As the offices of the Town of Sharon are normally only open on Tuesday evenings, applications received by post or hand delivered, will be dated as having been received on that day, and any action thereafter be counted as of that date.
2. Applications should be dated as received at least ten (10) days prior to a scheduled meeting of the Board to assure that there is adequate time to adjust the Board's agenda. [RSA 676:4,1(D)]
3. Applications shall be reviewed and if found to be complete and accepted by majority vote of the Board will be scheduled for consideration within forty (40) days. For applications of minor changes, such as lot line adjustments wherein no additional building lots are created, the acceptance of an application as complete may, at the Chair's discretion, occur on the date scheduled for the public hearing prior to the opening of the hearing.
4. The Board shall reject all applications not properly completed, excepting for the absence of other governmental permits, as stipulated in RSA 676:4.
5. The Board is required to determine whether an application before it is a "development of regional impact" (RSA 36:54), in which case, hearing notification to neighboring municipalities and to the regional planning commission must be made fourteen (14) days in advance and representatives from neighboring municipalities and the regional planning commission have the right to testify, but not the right to appeal. Doubt concerning the potential impact is required to be resolved with finding such potential.
6. Under the authority granted in NH RSA 676:4,III (or as amended), the Board may provide for expedited review and approval of proposals involving minor changes or proposals which do not involve creation of lots for building development purposes. Such expedited review may allow submission and approval at one or more board meetings, but no application may be approved without the full notice to the abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the public. A hearing, with notice shall be held if requested by the applicant, abutters, or holders of conservation, preservation, or agricultural preservation restrictions any time prior to approval or disapproval or if the planning board determines to hold a hearing.

## ARTICLE VI – Notice

1. Public notice of any public hearings on each application shall be given in the local newspaper (Monadnock Ledger-Transcript) and by posting on the Bulletin Board at the Sharon Meeting House and on the official Town of Sharon Website 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 certified mail, return receipt requested to the applicant, all abutters and to all professionals whose seal appears on any plat, not less than ten (10) calendar days prior to the date fixed for submission of the application to the Board.

### ARTICLE VII – Public Hearings

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

1. The Chair shall call the session to order and announce the intent of the hearing.
2. The Chair shall identify the members of the sitting Board, identify any alternates sitting at the table, and explain the policy of the Board to permit alternates to participate in the questioning of the applicant, and in the ensuing discussions, but not make, second or vote on any motion.
3. The Chair asks if any board member has a conflict of interest and/or bias that would disqualify them from participation in the discussions and, if the session is regarding an application, asks the applicant if they are satisfied with the board as constituted.
4. The Chair then opens the public hearing and request the Secretary to identify the applicant and/or agent, report on the manner in which the public and personal notice was given and read the application.
5. The Applicant or Applicant’s agent is asked to present the proposal to the board, discuss the application and respond to any questions from the Board.
6. Members of the Board may ask questions at any point during the presentation, subject to control by the Chair.
7. Upon completion of the presentation by the applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing (read by the secretary). Each person who speaks shall be required to state his/her name and address and indicate when he/she is a party to the matter or any agent or counsel to a party to the matter.
8. Other parties, such as representative of town departments or other town boards and commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing (to be read by the Secretary).
9. The Chair will confirm that all parties have had opportunities to speak, and will then indicate whether the hearing is closed or adjourned pending the submission of additional material, or information or the correction of noted deficiency.

10. In the case of adjournment, additional notice will not be required if the date, time and place of the continuation is made known at the adjournment, otherwise the continuation of the hearing will require complete noticing as indicated in Article VI above.

#### ARTICLE VIII – Decisions

1. The Board shall render a written decision 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.
2. The Board shall act to approve, conditionally approve, or disapprove.
3. Notice of the decision will be made available for public inspection at the Sharon Meeting House Bulletin Board within six (6) 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.
4. Appeals of the Board's decision must be made within thirty (30) days of publishing the notice of decision.

#### ARTICLE IX – Records

1. The records of the Board shall be kept and made available for public inspection at the Office of the Town Clerk in the Sharon Meeting House at those hours when the Town Clerk Office is open, or upon special request to the Town Clerk, Town Administrator or the Chair.
2. Minutes of the meeting including the names of Board Members, person appearing before the Board and a brief description of the subject matter shall be open to public inspection with six (6) days of the public meeting as required in RSA 91-A:2II.
3. Draft minutes of all meetings of the Board shall be published on the town website with six (6) business days and will be replaced by approved minutes and signed copies published within six (6) days of approval (effective January 1, 2018).

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#### ARTICLE X – Joint Meetings and Hearings

1. The Planning Board may hold joint meetings and hearing with other “land use boards”, including the Zoning Board of Adjustment, the Conservation Commission and similar boards or commissions. Each board shall have discretion whether or not to hold such joint meeting or hearing (RSA 676:2).
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. The meeting must be noticed by

posting on the Sharon Meeting House Bulletin Board and on the official Town of Sharon Website at least ten (10) day prior to the meeting and must stipulate the reason or reasons for the joint meeting.

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 Chair shall chair all joint meetings and public hearing when the subject matter involves the Planning Board.
5. The rules of procedure for joint meetings and hearing, the subject matter of which involves the Planning Board, shall be the same as the rules of procedure specified in Article VII above, except that the members of both boards will be introduced, and the chairman will give an explanation of the reason for the joint meeting/hearing
6. Each board involved in a joint public hearing shall make its own decision, based on its criteria for the particular matter.

#### ARTICLE XI – Nonpublic Sessions

1. The Board may exclude the public only if a recorded roll call vote is taken on a motion to go into nonpublic session which states the statutory basis for the nonpublic session.
2. For the Board, the allowable grounds for holding a nonpublic session are limited to the consideration of the following matters:
  - a. The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requested an open meeting, in which case the request shall be granted [RSA 91-A:3. II(a)].
  - b. The hiring of any person as a public employee.
  - c. Matters which, if discussed in public, likely would affect adversely the reputation of any person, other than a member of the Board itself, unless such person requests an open meeting.
  - d. Consideration of the acquisition, sale or lease of real or personal property which, if disclosed in public, likely would benefit a party or parties whose interests are averse to those of the general community.
  - e. Consideration or negotiation of pending claims or litigation which has been threatened in writing or files against the Board or any member thereof because of his membership on the Board, until the claim or litigation has been fully adjudicated or otherwise settled.

3. The Board may take final action in a nonpublic session on matters which may properly be considered in nonpublic sessions.
4. Minutes of nonpublic sessions:
  - a. The decision to hold a nonpublic session must be included in the minutes of the open meeting.
  - b. Minutes of nonpublic sessions are required. These minutes (including any decisions reached by the Board) must be disclosed within seventy-two (72) hours unless two-thirds of the members present determine that divulgence of the information would:
    - i. Likely affect adversely the reputation of any person other than a member of the Board or the Board itself, or
    - ii. Render the proposed action ineffective; or
    - iii. Pertain to terrorism.
  - c. The determination not to divulge the information is a “decision” which must be recorded together with the reasons for nondisclosure, and must be recorded in the minutes, although it need not be disclosed until a majority of the members determine that the circumstances set forth in 4.b above no longer apply. This decision must be made prior to returning to open session.

#### ARTICLE XII – Submission of Ordinance/Regulation Changes

1. Ordinance Changes: Changes to the Master Plan or the Zoning and Building Ordinance requires a process that includes a public hearing prior to a vote at a Town Meeting, the concerns of the timing required prompts the Board to follow the following procedures:
  - A. Anyone wishing to submit a proposal for new Articles or amendments to existing Articles within the Zoning and Building Ordinance or other land use ordinances must provide the Planning Board with a submission on or before the regularly scheduled September Meeting of the board.
  - B. The Board will consider the submission and will vote to provide or denying support to the amendment no later than their regularly scheduled October meeting
  - C. If the Board supports the submission, then, in conjunction with the proposer(s), will review and prepare the submission for a public hearing, when public input will be heard.
  - D. After the public Hearing, the Planning Board will review all the public input and may modify the submission as a result. The Board will then take a final vote on the submission, and if carried by the majority of the Board, will be submitted to the selectmen for inclusion as a ballot item for a Town Meeting.

- E. Should the Board decline to support the submission or the submission does not get carried by the majority of the Board, the applicant then has the right to petition the selectmen to put the submission on the warrant for Town Meeting.
2. Regulation Changes: Changes to Land Use Regulations require a public hearing prior to adoption by a majority vote of the Planning Board.
- A. Anyone wishing to submit a recommendation for changes in any of the Land Use Regulations should submit their proposal to the Planning Board at a regularly scheduled meeting.
  - B. The Board will consider the proposal and will vote on providing or denying support within sixty (60) days of receipt.
  - C. If the Board supports the proposal, then, in conjunction with the proposer(s), will review and prepare the submission for a public hearing.
  - D. After a Public Hearing, the Board will consider comments received and will vote on final acceptance. If the proposal is carried by the majority of the Board, it will be officially adopted.
  - E. Should the Planning Board decline to support the submission, or should the proposal not receive a majority vote after the public hearing, it will not be adopted.
3. Amendment Filing Requirements:
- A. A copy of each master plan, zoning ordinance, subdivision regulation, site plan review or similar ordinance or regulation adopted by the municipality shall be forwarded to the New Hampshire Office of Strategic Initiatives, with signatures of the Chairman and members of the Planning Board attesting to the date of its adoption.
  - B. All zoning ordinances, subdivision regulations, site plan review regulations, and any similar planning ordinances or regulations, and their amendments, shall be placed on file with the town clerk for public inspection, with signatures of the Chairman and members of the Planning Board attesting to the date of its adoption.

### ARTICLE XIII – Miscellaneous

1. Communications to the Board. All communications to the Board, including applications, petitions, emails, (when specifically directed to the board or appropriate for the board's information) or other referrals, shall be directed to the Chair and shall thereafter be provided to the Board via email, if determined to be of sufficient urgency, prior to the next scheduled meet. All communications with the board should be considered as informational, and should not be responded to, as such might be construed as a violation of "Right to Know".

2. Emails: Email may be used to communicate drafts, agendas, and notices to the members of the board, but considerable care must be taken that responses do not meet the threshold of violations of “Right to Know”.

3. Reconsideration. A motion for reconsideration of any vote may be presented by any voting member on the prevailing side of said vote. Any such motion must be made no later than the adjournment of the next regularly scheduled meeting.

4. Site Visits. Visits to specific sites shall be announced and scheduled for a time and date set forth by the Chair. Site visits are an extension of the board meeting and are open to the public. If there is a quorum present then minutes are to be taken by the secretary, then approved and recorded at the next scheduled meeting.

5. Suspending Rules. Bylaws that are not preempted by state law, and provisions of Roberts Rules, may be suspended by a two-thirds vote of the board.

6. Roberts Rules of Order. The latest edition of Roberts Rule of Order shall govern any situation which may not be covered by these bylaws.

7. Applicability. The provisions of these By-Laws shall be subject to the provisions of any applicable federal, state or local law, regulation or ordinance.

8. Fiscal Agent. The Town Administrator shall act as Fiscal Agent to the Planning Board and carry out duties assigned to him/her as directed by the Planning Board.

#### ARTICLE XIII – Amendments

1. Amendments. These Procedures may be adopted, amended, repealed, or altered, in whole or in part, by a majority vote of the Board at a regular meeting, provided that notice of the proposed change of such Rules of Procedure is contained in the notice of such regular monthly meeting.

Adopted October 12, 2010

Amended April 9, 2014

Amended April 14, 2015

Amended July 12, 2016

Amended September 12, 2017

Amended February 9, 2021