

Town of Litchfield Planning Board By-Laws

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Amended: April 11, 1989

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I. PURPOSE AND AUTHORIZATION

The Litchfield Planning Board (hereinafter, the Board) duly established by the Litchfield Town Meeting on March 12, 1957 in accordance with RSA 673:1 hereby establishes the following rules of procedure for the conduct of its business, pursuant to RSA 676:1.

II. NAME

The name of the Board shall be the "Litchfield Planning Board".

III. MEMBERSHIP AND TERMS OF OFFICE

A. Appointment of Members: The Board shall consist of seven members, appointed by the Board of Selectmen, and shall include one selectman to act as an ex-officio member with power to vote.

1. The appointment of members shall conform to terms and requirements of RSA 673. Members of the Board shall conform to the limitations on multiple membership set forth in RSA 673:7.
2. Each newly elected or appointed (included re-appointed) member shall be sworn in and take an oath of office as required by RSA 42:1. Members will continue to serve after the expiration of their term until they are reappointed or a replacement has been appointed.
3. The town clerk shall confirm that a member has been sworn in, following which, the Secretary/Clerk shall forward to the town clerk the appointment and expiration dates of the terms of each member of the Board.
4. 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 chariman as soon as possible. Members, including the chair and all officers, shall participate in the decision-making process and vote to approve or disapprove all motions under consideration.

B. Alternates: The Board shall encourage the Board of Selectmen to appoint, in addition to regular members, not more than three alternate members who may serve, upon designation by the Chair, in place of a regular member in the event of absence or disqualification. The terms and multiple membership requirements for alternates shall be the same as for regular members. Similarly, alternates will continue to serve until they are reappointed or a replacement has been appointed. Only the alternate designated by the Selectmen for the ex-officio member shall serve in place of that member.

1. Alternates 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.

2. 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.
 - a. 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 make or second motions, participate in deliberations after a motion has been made, or vote on a motion unless they are sitting in place of another member.
 - b. During all other 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.

IV. OFFICERS AND THEIR DUTIES

- A. Election of Officers: The Board shall elect, by a majority vote at its annual meeting as established in Section V(C) below, the following officers from among its membership. If requested by a majority of those present, voting shall be by written ballot. The term of each officer shall be limited to one year; however any officer shall be eligible for re-election.
 1. Chair: The Chair shall preside at all meetings and hearings of the Board and shall have the duties normally conferred on such officers. The Chair shall appoint such committees as directed by the Board, and shall also designate who shall act as Chair of such Committees. As directed by the Board, the Chair may affix his/her signature in the name of the Board. Pursuant to RSA 673:9 (II) this position shall not be held by an ex-officio member.
 2. Vice-Chair: The Vice-Chair shall act for the Chair in his/her absence and have authority to perform the duties prescribed for that office. This position shall not be held by an ex-officio member.
 3. Secretary/Clerk: It shall be the responsibility of the Secretary/Clerk to maintain the minutes and records of the Board, with the assistance of staff as may be available. The Secretary/Clerk shall prepare the agenda for regular and special meetings of the Board, provide notice of meetings to members, record the names of the members present at meetings, arrange proper and legal notice of hearings, notify applicants and abutters of hearings, and prepare such correspondence and fulfill such duties as the Chair may specify. In the absence of the Secretary, the Chair or Vice-Chair shall be responsible for the records of the meeting. In the absence of the Secretary/Clerk, the Chair shall appoint a secretary pro tem to keep records of the meeting. The Secretary/Clerk shall act as the Chair pro tem in the absence or inability to serve of the Chair and Vice-Chair. (amended April 11, 1989)

4. Disqualification and Conflict of Interest:

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 Chair as soon as possible so that an alternate may be requested to fill the place. The disqualification shall be announced by either the Chair 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.

To this end, whenever the Planning Board acts in its quasi-judicial capacity, no member of the Board shall introduce, discuss as a member or vote upon any motion or resolution if the member has a personal or pecuniary (financial) interest in the outcome of a matter.

- a. A conflict of interest may exist if the board member:
 1. would expect to gain or lose on the disposition of the matter; or
 2. is related to the applicant or an abutter; or
 3. has advised or assisted the applicant or an abutter; or
 4. has directly or indirectly given his/her opinion on the matter, or has formed an opinion on the matter; or
 5. has prejudged the matter to any degree; or
 6. employs any of the attorneys appearing for the applicant or an abutter; or
 7. Is employed by or employs any party in the case, including the engineer, architect, land surveyor or soil scientist whose professional seal(s) appear on any plat submitted to the Board.
- b. No Board member shall claim to act on behalf of the Board without prior authorization from the Board.
- c. If uncertainty arises as to whether a Board member should disqualify her/himself, 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.

V. MEETINGS

- A. Regular Meetings: Regular meetings of the Board shall be held at least monthly at the Litchfield Town Hall on the first Tuesday of the Month, with meetings held on the third Tuesday of the month as needed. All meetings shall be open to the public. Regular meetings shall not be held on Sundays or legal holidays. If it is known in advance that a quorum is not available or in the event of severe inclement weather, the meeting may be rescheduled to the second or fourth Tuesday of the month. The following general rules of procedure shall govern the conduct of such meetings:

1. Quorum Required: A majority of the membership of the Board, 4 members, shall constitute the quorum necessary in order to transact business at any meeting. If any regular board member is absent or disqualifies her/himself from sitting on a particular application, the Chair shall designate, upon opening of the meeting, an alternate to act in the absent or disqualified member's place. Such alternate shall have all the powers and duties of a regular member in regards to 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. Only the alternate designated by the Selectmen for the ex-officio member shall serve in place of that member.
 2. Notice of Meetings: Notice of the time, date and place of any public meeting of the Board shall be posted in two public places, one of which may include the Town's website. It may also be printed in a newspaper of general circulation at least 24 hours, excluding Sundays and legal holidays, prior to the meeting.
 3. Records Required: Minutes of the events of the meeting shall be taken as required by RSA 91-A:2, II, and shall include the names of members in attendance, persons appearing before the Board, a brief description of the topics discussed, and a record of any actions taken. Such minutes shall be available for public inspection within five (5) business days after the meeting. Records shall be made available for public inspection at the Litchfield Town Hall as required by RSA 91-A:4. Minutes of non-public sessions, unless it is not considered a meeting per NH RSA 91-A:2, shall conform to the requirements of RSA 91-A:3.
 4. Order of Business: The general order of business shall be as outlined below, unless otherwise determined by the Chair:
 - a. Call to Order
 - b. Public Hearings
 - c. Unfinished Business
 - d. Reading and Acceptance of Minutes of Previous Meeting
 - e. Other Business
 - f. Adjournment
 5. Voting: A motion, duly seconded, shall be passed by a majority of members present, once a quorum has been established, voting in the affirmative.
- B. Special Meetings: Special meetings may be called by the Chair or, in his/her absence, by the Vice Chair. Notice to members shall be at least 48 hours in advance of the meeting. Notice to the public shall be in the same manner as for a regular meeting. No business shall be acted upon at a special meeting unless a quorum of the members is present. The notice of the meeting shall specify the purpose of the meeting and no other business may be considered except by unanimous consent of the Board members present once a quorum has been established.

- C. Annual Meeting: An annual organizational meeting shall be held at the first regular meeting following the close of Town Meeting, but in no event later than thirty days following the close of Town Meeting. The purpose of the annual meeting will be to elect officers and to review the by-laws which shall be made a part of the minutes of the meeting. Five members must be present before the election of officers can take place.
- D. Non-public sessions shall be held only in accordance with RSA 91-A:3.

VI. PUBLIC HEARINGS

- A. Public Hearings Required: Public hearings shall be held as required by the N.H. Revised Statutes Annotated for but not limited to the following:
 - 1. Master Plan or amendment proposed under RSA 674:1-4
 - 2. Subdivision regulation proposed or board review of a subdivision proposal under RSA 674:35-42
 - 3. Site plan review regulation proposed or board review of a site plan proposal under RSA 674:43-44
 - 4. Zoning ordinance proposed under RSA 674:16-23
 - 5. Building code proposed under RSA 674:51
 - 6. Capital Improvement Plan proposed under RSA 674:5-8
- B. Notice of Hearing: Notice of any hearing shall be given at least 10 calendar days prior to the date of hearing by publication in a newspaper of general circulation and by posting in at least 2 public places, unless the applicable statute allows for notice of a lesser duration. The 10 calendar days shall not include the day of posting or the day of the meeting. For hearings involving an application for subdivision or site plan review, notice to the applicant and abutters shall be given by certified mail, return receipt requested at least 10 days prior to the meeting. The full text need not be included in the notice provided an adequate summary is included in the notice and a location is specified where the proposal may be viewed by the public.
- C. Personal notice shall be made by certified mail to an applicant, all abutters, anyone holding an easement on the subject property, and any professional whose seal appears on any plat, not less than ten (10) days prior to the dated fixed for acceptance of the application by the Board.
- D. Conduct of the Hearing: The Chair or, in his/her absence, the Vice-Chair shall preside at the public hearing, and shall:
 - 1. Convene the meeting and read the legal advertisement announcing the date, time and purpose of the meeting into the record;
 - 2. Briefly state the manner in which the hearing shall be conducted;
 - 3. The chair shall identify the owner of record, applicant and agent for each agenda item and entertain a staff recommendation on the completeness of each application;
 - 4. The chair shall entertain a vote of the Board members to accept the application and continue the public hearing or reject the application as incomplete;

5. If the application is accepted by a majority of the board, the Chair will entertain a vote of the Board members to determine whether the application has regional impact in accordance with NH RSA 36:54-58.
 6. Call upon the applicant, or sponsor of any proposal, to present the proposal;
 7. Members of the board may ask questions at any point during the presentation;
 8. Call upon other parties such as representatives of town departments and other town boards and commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing.
 9. Read any written testimony received concerning the proposal into the record;
 10. Call upon those appearing in favor of, or in opposition to, the proposal to direct questions or comments to the Chair;
 11. Each person who speaks shall be required to state her/his name and address and indicate whether s/he is a party to the matter, an agent or counsel to a party in the matter, or an abutter; and
 12. The Chair shall indicate whether the hearing is closed or adjourned pending the submission of additional material or information or the correction of noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made know at the adjournment.
- E. Decisions: 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. The board shall act to approve, conditionally approve, or disapprove. Notice of decision will be made available for public inspection at the Litchfield Town Hall 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 in accordance with RSA 676:3. The minutes of the meeting at which such vote is taken shall include the decision and contain the reasons therefor and all conditions of approval, and shall be placed on file in the board's office and shall be made available for public inspection within 5 business days of such vote.

VII. JOINT MEETINGS AND HEARINGS

- A. Request for Joint Meetings: The Board, or any applicant, or any other land use board, may request a joint meeting or hearing of the boards on any topic common to their respective jurisdictions. Each board shall have the discretion as to whether or not to hold a joint meeting with another board.
- B. Planning Board Shall Chair: The Planning Board Chair shall chair any joint meeting or hearing in which the Board is involved (RSA 676:2). The Chair shall follow the general rules of conduct outlined in theses by-laws.
- C. Notices and Decisions: Each board participating in the joint meeting or hearing shall be responsible for providing notice, filing minutes and decisions, and for rendering and issuing decisions, as appropriate, for the subject matter within its jurisdiction, as prescribed for that board by statute, local ordinance, or other rules of procedure.

VIII. STAFF AND FINANCES

Within the limits of funding made available for its use by the Town Meeting, the Board may employ such staff personnel and/or consultants as it sees fit to aid the Board in its work. Appointments shall be made by a majority vote of the members present at any regular or special meeting at which a quorum has been established. The Chair may be authorized to sign contracts for employing personnel and contracting for consulting services approved by the Board.

IX. PUBLIC RELATIONS

The Chair or a duly appointed Board member or staff personnel shall be authorized by the Board to act as the principal public relations contact for the Board. Duties shall be as prescribed by the Board.

X. COMMITTEES

The Chair may appoint special committees for purposes and terms approved by the Board.

XI. APPLICATIONS AND FORMS

- A. Applications: Applications for subdivision or site plan review shall be made on forms provided by the Board.
- B. Submission of Applications: No application shall be placed upon any agenda for acceptance at a regular meeting of the Board unless the application is received by the Secretary/Clerk no less than 21 days prior to the meeting date at which it is to be accepted and/or discussed. No application will be received by the Secretary/Clerk except in proper form, as prescribed in the subdivision and site plan review regulations. Completed applications shall be accepted by a majority vote of the Board and shall be scheduled for consideration within 30 days of acceptance. The Board shall reject all applications not properly completed.

XII. AMENDMENTS

- A. Amendments: These by-laws may be amended by a two-thirds vote of the entire voting membership of the Board only after the proposed change has been read and discussed at a previous regular meeting, and excepting that the by-laws may be changed at any regular meeting by the unanimous vote of the entire voting membership of the Board.
- B. Filing with Town Clerk: These by-laws and any amendments thereto shall be placed on file with the Town Clerk for public inspection. A complete set of by-laws, as amended, shall also be attached to the minutes of the Board's annual organizational meeting and kept on file.
- C. Effective Date: These by-laws, and any subsequent amendments, shall become effective immediately upon passage by the Board as recorded in the minutes of the meeting at which such action occurs.