



**TOWN OF BELMONT
NEW HAMPSHIRE**

**PLANNING BOARD
RULES OF
ADMINISTRATIVE PROCEDURE**

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I. PURPOSE & AUTHORITY

The Belmont Planning Board adopts the following Rules of Administrative Procedure in accordance with the provisions of RSA 676:1, to develop and promote consistency in Board actions.

II. ORGANIZATION

A. Members

The Belmont Planning Board consists of seven members, who must be residents of the Town of Belmont and who shall be elected by the legislative body in conformance with RSA 673:2. One of the seven members shall be designated by the Selectmen as an Ex-Officio Member. The term of the Ex Officio Member shall coincide with the term for the office of Selectman. The term of office of other members shall be for three years, or, as elected, to complete an unexpired term. Unexpired terms for members shall be filled by appointment by the remaining board until the next regular municipal election in conformance with RSA 673:12.

B. Alternate Members

The Planning Board may appoint up to three Alternate Planning Board Members for terms of three years each in conformance with RSA 673:6. Unexpired terms for alternate members shall be filled by appointment by the Planning Board. An Alternate Ex-Officio Selectman Member may also be appointed by the Selectmen. The Ex-Officio Member of the Board may be replaced only by the Ex Officio Alternate, and the Ex Officio Alternate may replace only the Ex Officio Member.

III. REMOVAL OF MEMBERS

Once elected or appointed, no Member or Alternate Member may be removed until after a Public Hearing held pursuant to RSA 673:13.

IV. CHAIRMAN AND OFFICERS

The Board shall annually elect from its regular membership a Chairman and Vice-Chairman. There is no limit to the number of terms the Chairman or Vice-Chairman may serve. The ex officio member shall not serve as Chairman. The Board may create other offices as it deems necessary. Elections shall be held at the first regularly scheduled meeting following the March Town Meeting.

V. MEETINGS

A. Scheduling

The Board shall hold at least one regular meeting each month, on the fourth Monday of each month at the Belmont Library. The time and place of such meeting may be amended by the Board as necessary providing sufficient notice is given. All meetings are open to the Public.

Additional meetings and/or work sessions will be scheduled or may be called by the chairman as necessary with appropriate notice as required under RSA 91-A.

B. Notice Requirements

1. Meetings

A notice of the time and place of all regular and special meetings, site inspections and work sessions of the Board or any duly appointed subcommittee of the board shall be posted in two appropriate places or printed in a newspaper of general circulation in Belmont at least twenty-four hours, excluding Sundays and legal holidays, prior to such meetings.

This notice requirement does not apply to an emergency meeting, which is defined as a situation where immediate undelayed action is deemed to be imperative by the Chairman. In such a case, the Chairman shall employ whatever means are available to inform the public that an emergency meeting is to be held.

Only those acts or decisions which take place at a "meeting" as defined above shall be considered to be valid and lawful acts or decisions of the Board.

2. Public Hearings

The following notices to abutters, applicants and the public are required when acting upon applications submitted under the following regulations and shall be given the following number of days* in advance of the scheduled public hearings:

<u>Regulation</u>	<u>Notice to Abutters</u>	<u>Posted in Public Places (Number)</u>	<u>Publication in Newspaper of General Circulation</u>
<u>Subdivision</u>	10 days	10 days (2)	<u>or</u> 10 days
<u>Site Plan Review</u>	10 days	10 days (2)	<u>or</u> 10 days
Earth			

Excavation 10 days 14 days (3) and 14 days

The number of days of both posting and/or publication shall not include either the day of posting/publication or the day of the hearing.

Any abutters' notices and notices to the general public by posting or publication as required above shall include a general description of the proposal, the identity of the applicant, the location of the proposal, and the date, time and place of the public hearing.

Once the above required notices are given, no further notices are required, provided that, prior to the adjournment of the public hearing, the date, time and place of the adjourned session is publicly announced at the original hearing.

No notices are required when the Board acts or considers disapprovals of applications based on failure of the applicant to supply required information, to meet reasonable deadlines, or to pay costs of notices or other required fees.

C. Decisions

All decisions issued by the Board shall be available for public inspection during regular business hours at the office of the Planning Board within 72 hour after the decision is made.

D. Minutes

The Board shall keep accurate records of its meetings in accordance with the provisions of RSA 91-A. Minutes shall be available for inspection within 144 hours of a meeting during regular business hours at the office of the Planning Board.

E. Records

All application files shall be available for public inspection during regular business hours at the office of the Planning Board.

VI. PROCEDURE AT MEETINGS

A. Chairman Presides

The Chairman presides at all meetings and shall also have the power to compel the attendance of witnesses and administer oaths. The Vice-Chairman shall serve as acting Chairman in the Chairman's absence. If the Vice-Chairman is not present to so serve, the member who has served the longest period on the Board shall serve as acting chairman.

B. Attendance

All members, including the alternates, are required to attend all meetings of the Board. More than 3 unexcused absences in a 12-month period may be cause for review of that individual's ability to perform the duties assigned. While only the regular members or an alternate designated to act in the absent regular member's place may actually vote on any matter, all members may ask questions and participate in the discussions at hand.

Any member or alternate member who is unable to attend any scheduled meeting or work session is required to notify the staff or chairman in a timely manner prior to the meeting. Attendance records will be kept indicating all absences as Excused or Unexcused (no prior notification).

C. Quorum Required

Four members or alternate members of the Board constitute a quorum. A quorum is necessary both in order to comprise a "meeting" as well as to transact any business of the Board.

D. Designation of Alternate Members

If a regular Board member is absent or disqualifies himself, the Chairman shall designate an alternate, if present, to act instead.

If the ex officio member is absent or disqualifies himself, however, only the ex officio alternate, if present, can serve in place of that member.

E. Voting

All votes on any matters to come before the Board shall be taken after the matter has been duly moved, seconded and discussed and after all parties have been given ample opportunity to be heard.

All matters shall be decided by the majority vote of all of those members (both regular and designated alternates) present and voting. The Chairman or acting Chairman shall vote only in the event of a tie.

F. Disqualification of a Member

A member of the Board may not take part in any deliberations or decisions which would disqualify that member from sitting as a juror if the matter was being decided in a Court of Law.

In other words, a Board member must avoid any conflict of interest or even the appearance of a conflict of interest. Typical situations where a Board member should disqualify himself or herself would be the following:

1. A member stands to gain a financial or economic benefit directly or indirectly, depending upon the outcome.
2. A member has been retained or employed by the applicant or has performed some service for the applicant which is directly related to the matter at hand (such as an attorney or surveyor who also sits as a member of the Board).

A member should always, in advance of any deliberations, fully disclose the nature and extent of any matter which may disqualify that member from deliberating or making a decision. Any member may by his or her own motion disqualify himself or herself from any matter. If, after disclosure, a question exists as to whether the Board member should be disqualified, the Chairman shall decide.

If a member is disqualified or unable to act in any particular matter pending before the Board, the Chairman shall designate an alternate, if present, to act in that member's place.

If the Chairman is disqualified to sit on any particular matter pending before the Board, if possible the Chairman should not chair any portion of that particular meeting but should appoint the Vice-Chairman to serve as acting Chairman instead, disclosing the reasons therefore. If such a matter comes up during the meeting, the Chairman should at that time appoint the Vice-Chairman to serve as acting Chairman to chair the remainder of the meeting, disclosing the reasons therefore.

Any member whose interest in the outcome of a particular matter exists by reason of being an abutter of property which is the subject matter before the Board is disqualified to deliberate and decide as to that matter; such a member should not sit as a Board member during that portion of the meeting.

Any member so disqualified shall physically remove himself or herself from the table during the period of disqualification.

G. Representation Before Board

No Board member shall appear before the Board in representative capacity for any applicant, nor shall any colleague, associate, partner or member of any business or profession of a Board member represent the interests of an applicant before the Board.

VII. CODE OF ETHICS

All Board members shall receive a copy of the Code of Ethics of the Town of Belmont and shall fulfill the duties of their position in accordance with same.

VIII. CONTACTS WITH APPLICANTS AND PUBLIC

Board members shall refer inquiries to the Board's staff and shall refrain from discussing any matter currently, or scheduled to come, before the Board, outside of formal meetings. Any Board member having contact with an applicant, regarding the application, outside of a formal meeting must declare the content of such discussion prior to the public hearing.

IX. CONTACTS WITH TOWN COUNSEL

All contacts with Town Counsel must be approved by the Chairman of the Board and must be within the budget appropriation of the Board. Contacts outside the budget appropriation must also be approved by the Board of Selectmen or their designee.

X. JOINT MEETINGS AND HEARINGS

A. Site Plan Review

Whenever an applicant seeks Planning Board Site Plan Approval and also Board of Adjustment variance or special exception approval, a joint hearing of both boards may be held upon request and/or at the discretion of the Boards.

B. Other Approvals

Whenever an applicant seeks both Planning Board and other land use board approvals for a particular application, a joint meeting or hearing of both Boards may be held upon request by the applicant and/or at the discretion of the Boards.

C. Procedure

Such an applicant shall fill out and file both land use Board completed applications with the Boards according to the application requirements set forth in the Regulations and pay the application fees and costs set forth therein.

All Abutters and the applicant shall be notified of the date and purpose of the joint public hearing per the appropriate Regulations.

The Planning Board Chairman shall chair the joint public hearing. The applicant shall first make presentation of the application to both Boards and the public. Next, the public shall be given opportunity to ask questions of the applicant, make comments, or offer other relevant testimony or evidence to both Boards. The Chairman shall then close, table or adjourn the public hearing portion of the joint meeting, at which time both Boards may jointly discuss and consider the proposal amongst themselves, seeking no further input from either the applicant or the public.

After the public hearing and after such joint discussion, if held, both Boards shall separately convene and proceed according to its procedures and the Regulations.

D. Other Meetings

Joint business meetings with any other land use Board may be held at any time when called jointly by the chairmen of the two Boards.

XI. ADMINISTRATION

A. Waiver

Waivers to the above Rules of Administrative Procedure may be granted by the Board, when within their jurisdiction and when deemed appropriate by the Board. Reason for such waiver shall be noted in the minutes of the Board.

B. Amendment

These Rules may be amended or rescinded by the Board but only following public hearing on the proposed change. The Chairman of the board shall transmit a certified copy of any changes so adopted to the Board of Selectmen and Town Clerk.

C. Adoption

These Rules shall become effective after a public hearing, adoption and certification by the Board, and filing of certified copies with the Board of Selectmen and Town Clerk.