

**BY-LAWS
WEARE PLANNING BOARD**

I. PURPOSE AND AUTHORIZATION

The Weare Planning Board (hereinafter, the Board) duly established by the Weare Town Meeting on March 7, 1972 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 "Weare Planning Board".

III. MEMBERSHIP AND TERMS OF OFFICE

- A. Appointment of Members: The Board shall consist of five members, appointed by the Board of Selectmen, and shall include a selectman to act as an ex-officio member with power to vote. The appointment of members shall conform to terms and requirements of RSA 673:2.II and RSA 673:5. Members of the Board shall conform to the limitations on multiple membership set forth in RSA 673:7.
- B. Alternates: The Board of Selectmen may appoint, in addition to regular members, not more than five alternate members who may serve upon designation by the Chairman 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.

IV. OFFICERS AND THEIR DUTIES

- A. Election of Officers: The Board shall elect, by a majority vote at its annual meeting, the following officers from among its membership. The term of each officer shall be limited to one year, however any officer shall be eligible for re-election.
1. Chairman: The Chairman shall preside at all meetings and hearings of the Board and shall have the duties normally conferred on such officers. The Chairman shall appoint such Committees as directed by the Board, including one member of the Board who shall act as Chairman of such Committees. As directed by the Board, the Chairman may affix his/her signature in the name of the Board to all approved plans and all correspondence from the Board. The Chairman shall approve the agenda for all regular and special meetings of the Board. In the absence of administrative staff, the Chairman or his/her designee shall be responsible for the records of the meeting.
2. Vice-Chairman: The Vice-Chairman shall act for the Chairman in his/her absence and shall adhere to all requirements set forth for the Chairman.
3. Secretary: The Secretary shall act as Chairman in the absence of the Chairman and Vice-Chairman. The Secretary shall affix his/her signature to all plans approved by the Board on behalf of the Board. In the absence of the Secretary, the Board may appoint another member to act as Secretary.

V. MEMBERS AND THEIR DUTIES

- A. Members: Members are expected to attend all regular, special and annual meetings, public hearings, and joint meetings and hearings conducted by the Planning Board. If a member cannot be present at any meeting they shall notify the Planning Board Office prior to the

meeting of his/her inability to attend. In the absence of a regular member, other than the Selectmen's representative, the Chairman shall appoint an alternate from among those alternate members present to act in the place of the absent member. If a member is late to arrive for a meeting, the Chairman shall appoint an alternate member from among those alternate members present to act in the place of the absent member until the hearing and Board action is completed on the agenda item being heard. Upon the start of a new agenda item, the regular member may take his/her seat on the Board replacing the alternate member.

If a member chooses to step down from the Board for a particular agenda item, the Chairman shall appoint an alternate from among those alternate members present to act in the place of the member for that agenda item. Upon start of a new agenda item, the member may take **his/her** seat on the Board replacing the alternate.

If the Selectmen's representative to the Planning Board is absent an alternate member will not be appointed to fill his/her place in accordance with NHRSA 673:11.

- B. Alternate Members: Alternate members are expected to attend all regular, special and annual meetings, public hearings, and joint meeting and hearings of the Planning Board. If an alternate member cannot be present at any meeting **he/she** shall notify the Planning Board Office prior to the meeting of his/her inability to attend.

Alternate Members **may** participate in questioning the applicants or discussing the plans **but will not vote** unless they have been appointed to act as a member of the hearing as described in paragraph V. (A).

The selection of alternate members to act as members of the Board shall be made by the Chairman to fill the place of an absent regular member at the start of the Planning Board Meetings. Alternates shall be chosen on a rotational basis in so far as is practical to give each alternate an approximately equal number of agenda items heard on a monthly or quarterly basis. The Chairman, through the Planning staff, shall maintain a record of appointments made to act as members. In all cases, however, the decision of the Chairman to appoint an alternate to act as a member shall be final.

VI. MEETINGS

- A. Regular Meetings: Regular meetings of the Board shall be held at least **once** monthly and shall be open to the public. Meetings shall not be held on Sundays or legal holidays.
The following general rules of procedure shall govern the conduct of such meetings:
1. Quorum Required: A majority of the membership of the Board shall constitute the quorum necessary in order to transact business at any meeting.
 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 at least 24 hours, excluding Sundays and holidays, prior to the meeting.
 3. Records Required: Minutes of the events of the meeting shall be taken 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 (see Record of Decision below). Such minutes shall be available for public inspection within 144 hours of the meeting. The meeting shall also be recorded by a sound recording device and such recording shall be kept on file as part of the public record until the minutes from the meeting are approved. Minutes of Non-Public Session shall conform to the requirements of RSA 91-A:3.

4. Order of Business: The general order of business shall be in accordance with the posted agenda unless modified by a majority vote of the Board. The following order of business will be followed for each application to the Board unless otherwise determined by the Chairman:
 - (a.) Chairman will announce agenda item and application to be considered.
 - (b.) Chairman will read aloud applicable background information, letter of request, minutes of previous meetings, etc.
 - (c.) Chairman will open the public hearing.
 - (d.) Applicant will present **his/her** plan to the Board.
 - (e.) Chairman will read engineering and/or other technical reviews provided by consultant to the Board.
 - (f.) Board members question applicant.
 - (g.) A motion will be made by a member of the Board to accept or not accept the application for a public hearing. A motion not to accept an application will include the Board's reason for non-acceptance, such as incompleteness of submittal, etc.
 - (h.) Chairman will read all other correspondence such as letter from abutters, etc.
 - (i.) Chairman will solicit testimony from abutters and/or other interested persons. (Note: All persons giving testimony to the Planning Board will provide his/her name and address to the Land Use Secretary for inclusion in the record.)
 - (j.) Final questions of applicant from the Board.
 - (k.) Chairman will close the public hearing.
 - (l.) A motion will be made by a member of the Board to approve, disapprove or table action on the application/plan. (Note: If a plan is approved with conditions precedent, another public hearing on the plan will be held at which the Board will verify that conditions for final approval have been satisfied. If the conditions have been satisfied, the Board will give final approval to the plan. Abutters **and other interested parties** will be afforded an opportunity to comment on the data presented by the applicant in fulfillment of conditions.)
5. Voting: A motion, duly seconded, shall be passed by a majority of members present, voting in the affirmative, once a quorum has been established. After all discussion of the motion by Board members has been completed, the Chairman will call for a vote on the motion by the Board. If the vote is not unanimous, the minutes of the meeting shall indicate members by name who are in favor, opposed or abstaining.
6. Record of Decision: Pursuant to RSA 676:3, whenever the Board issues a decision, record of the decision shall be placed on file in the Board's office and be available for public inspection within 72 hours after the decision is made.
7. Absent Applicant: **If no applicant or duly authorized representative is present at a hearing when the Chairman announces the agenda item to be considered, a member of the Board may make a motion to table the application to the next available Regular Meeting. If there is a second occurrence of non-representation at any time during the course of the same application where there is no applicant or duly authorized representative present when the Chairman announces the agenda item, a member of the Board may make a motion to deny the application. The motion to deny will include the Board's reason as a lack of representation.**
- B. Work Sessions: **Work Sessions of the Board shall be held at least once monthly and shall be open to the public. Work Sessions will primarily focus on committee work and general planning. A Work Session agenda may include continued hearings and/or other business from Regular Meetings in the Work Session agenda. Typically, such business would involve matters requiring little discussion or debate. Work Session procedures**

will follow the guidelines of VI. A. 1-3. Any votes taken during a Work Session will follow the guidelines of VI. A. 5-6.

- C. **Annual Meeting:** An annual organizational meeting shall be held at the first Regular Meeting **or Work Session** following the close of Town Meeting, but not 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.
- D. **Sitewalks:** **Any Board Member may make a motion for the Board to conduct a sitewalk in order to verify information provided by the applicant, abutters or other interested parties. The time and date of the sitewalk will be decided during the discussion of the motion before voting. Sitewalks will be considered a continued hearing. Whenever a quorum of the Planning Board exists for a sitewalk, the Chairman will provide a brief summary of events and observations for inclusion in the minutes of the next Regular Meeting or Work Session.**
- E. **Master Plan:** **Each year, the Planning Board will select at least two chapters of the Master Plan to review and update. The selected chapters should be done on a rotational basis so that no section of the Master Plan becomes more than five years old. The Chairman will assign committees and chairpersons as needed.**

VII. PUBLIC HEARING

- A. **Public Hearing Required:** A public hearing shall be held as required by the New Hampshire Revised Statutes Annotated for:
 - 1. Master Plan or amendment proposed under RSA 674:1.
 - 2. Subdivision Regulation proposed under RSA 674:35-37.
 - 3. Site Plan Review Regulation proposed under RSA 674:43-44
 - 4. Zoning Ordinance proposed under RSA 674:16.
 - 5. Building Code proposed under RSA 674:51.
 - 6. Board review of subdivision or site plan proposal under RSA 674:43-44.
- B. **Notice of Hearing:** Notice of hearing for items VII. A. 1-6 (above) shall be given at least 10 calendar days prior to the date of hearing by publication in a local newspaper and by posting in at least 2 public places. 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 (item VII. A. 6 above), notice to the applicant and abutters shall be given by certified mail at least 10 days prior to the meeting.

The full text of a notice for any hearing 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. **Conduct of the Hearing:** The Chairman or, in his/her absence, the Vice-Chairman shall preside at the public hearing and shall:
 - 1. Convene the meeting and read the legal advertisement announcing the date, the time and purpose of the meeting into the record.

2. Briefly state the manner in which the hearing shall be conducted.
 3. Call upon the applicant or sponsor of any proposal to present the proposal.
 4. Read any written testimony received concerning the proposal into the record.
 5. Call upon those appearing in favor of, or in opposition to, the proposal to direct questions or comments to the Chair.
 6. Call the hearing to a close, as appropriate, outlining the Board's anticipated procedure concerning the proposal.
- D. Record of Hearing: A public record of the proceedings shall be taken in writing and incorporated into the Board's minutes. The hearing shall also be recorded by a sound-recording device and such recording shall be kept on file as part of the public record until the minutes of said meeting are adopted.

VIII. 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 jurisdiction. 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 Chairman shall chair any joint meeting or hearing in which the Board is involved (RSA 676:2). The Chairman shall follow the general rules of conduct outlined in these by-laws.
- C. Notices of Decision: 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.

IX. STAFF AND FINANCES

Within the limits of funding made available for its use by the Town Meeting and in accordance with RSA 673:16, the Board may employ such staff personnel and/or consultants as it may require to aid the Board in its work. Appointments shall be made by a majority of the members present at any regular or special meeting at which a quorum has been established. The Chairman may be authorized to sign contracts for employing personnel and contracting for consulting services as approved by the Board. The Chairman may authorize expenditure of funds within review and approve its annual budget prior to submittal of the budget to the Board of Selectmen.

X. PUBLIC RELATIONS

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

XI. COMMITTEES

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

XII. APPLICATIONS AND FORMS

- A. Applications: Applications for subdivision or site plan review shall be made on forms provided by the Planning 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 Office of the Planning Board no less than 21 days prior to the meeting at which it is to be accepted and/or discussed. No application will be received by the Office of the Planning Board, except in proper form as prescribed in the subdivision and site plan regulations. **All plans, reports and other materials to be presented to the Board must be received by the Land Use Coordinator at least 24 hours prior to the scheduled meeting.**
- C. Vote of the Board Required: In every instance where a submission of a plat or any other document is made to the Planning Board by a property owner or **his/her** duly authorized agent, in writing, and whether Planning Board approval is required or not, the plat or other document shall be submitted to the Board for its consideration. Neither the Chairman nor the Vice-Chairman shall be authorized to execute any plat or document unless approved by the said Board.

XIII. AMENDMENTS

- A. Amendments: These by-laws may be amended **at any Regular Meeting or Work Session of the Board by the majority of the Board.**
- B. Filing with the 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.