

## RULES OF PROCEDURE FOR THE PLANNING BOARD OF FREEDOM, NH

### AUTHORITY

These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 676:1.

### MEMBERS AND ALTERNATES

1. The Planning Board shall consist of a total of seven members, six of whom are chosen by a vote of town residents. The Selectmen shall designate one selectman as an ex-officio and alternate ex-officio member with power to vote.
2. Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673.
3. Alternate members may serve on the Planning Board as authorized by RSA 673:6 and participate as non-voting members.
4. Up to five alternate members shall be appointed, as provided for by the local legislative body, and 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.
5. At planning board meetings, alternates who are not activated to fill the seat of an absent or recused member may participate with the board in a limited capacity. 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 be allowed to make or second motions and shall not participate in any way during the deliberations by the board. During work sessions or 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.
6. 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 Chair 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.
7. Each newly elected or appointed (including re-elected or re-appointed) member or alternate shall be sworn in and take an oath of office as required by RSA 42:1.
8. The Chair or Vice-Chair shall forward appointment/election and expiration dates of the terms of each member of the Board to the town clerk for recording.

### OFFICERS

1. The officers of the Board shall be as follows:
  - \* Chair: The Chair shall preside over all meetings and hearings; shall prepare an annual report; and shall perform other duties customary to the office.
  - \* Vice-Chair: The Vice-Chair shall preside in the absence of the Chair and shall have the full powers of the Chair on matters that come before the Board in the absence of the Chair.OR, should the Board decide:
  - \* Two Co-Chairs: The Co-Chairs shall preside over all meetings and hearings; shall prepare an annual report; and shall perform other duties customary to the office. In the absence of one of the co-Chairs, the other Co-Chairs will exercise the full powers of the Co-Chairs on matters that come before the Board.

- c. Minutes of previous meeting
- d. Consider completeness and acceptance of applications
- e. Hearings on subdivision/site plans
- f. Report of officers and committees
- g. Unfinished business
- h. Other business - public comment

#### **INFORMAL DISCUSSION**

1. Site plan review: Refer to site plan review regulations at townoffreedom.net
2. Subdivisions: Refer to subdivision regulations at townoffreedom.net

#### **PRELIMINARY DESIGN REVIEW**

1. Site plan review: Refer to site plan review regulations at townoffreedom.net
2. Subdivisions: Refer to subdivision regulations at townoffreedom.net

#### **APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW**

1. Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the Board's agent at the town office twenty-one (21) days in advance of the meeting. The Board's agent shall sign and record the date of receipt.
2. The deadline for submitting new materials on continued applications will be the same as for the initial application. This applies to submissions of material needed to determine if an application is complete or needed to allow the board to understand and act on the application
3. Application materials will go to all department heads as soon as they are received with a request for comments and concerns on the application.
4. The board will require a third-party review of any application based on its regulations and NH RSA 676:4-b as part of the review of Design Review (Phase 2 in both site plan and subdivision processes).
5. Notice shall be given as required in RSA 676:4,1(d) 10 days before a completed application is submitted to the Board for consideration at a noticed meeting in compliance with state law.
6. Completed applications shall be accepted by majority vote of the Board and shall be scheduled for consideration within 30 days of acceptance.
7. The board shall act on applications within sixty-five (65) days. The applicant may agree to an extension.
8. The board shall approve, approve with conditions, or disapprove the application.
9. All Subdivision and Site Plan approvals will include the following statement as a condition of approval: This approval is dependent upon and limited to the proposal and plans reviewed by the Planning Board during public meetings and hearings in which the application was discussed and all supporting documents and oral representations submitted and affirmed by the applicant and its agents, and conditions imposed by the Planning Board; any variation from such proposals, plans, supporting documents and representations are subject to review and approval by the Planning Board.
10. If the board is unable to act on an application within the required sixty-five (65) days, it may disapprove the applications without prejudice. (This application may come back to the board.)
11. The board shall issue a decision on all applications stating findings of fact as well as the reasoning for the final decision and conditions, if any.
12. Requests for amendments of subdivision and site plan approvals will be heard by the Freedom Planning Board in a public meeting. At that meeting, the planning board will review the requested changes and specify the steps needed to complete the application.

## DECISIONS

1. 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. If the planning board does not act on the application within that 65-day time period (unless the board has determined that the application is a development of regional impact, which gives the board an additional 30 days), then the governing body (selectmen, city or town council) is required to approve the application.
2. The Board shall act to approve, conditionally approve, or disapprove.
3. Notice of decision will be made available for public inspection at the Freedom Town Office within 5 days after the decision is made, as required in RSA 676:3.
4. The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.
5. Site plan approval and all the legal rights, privileges, and duties thereof shall expire if project construction has not commenced within one year of the approval date and if the project is not substantially completed within two years of the approval date. The code enforcement officer may grant up to a one-year extension on administrative approvals, and similarly the planning board may grant a one-year extension on plenary site plan review approvals if compelling evidence is presented that additional time is required to meet federal, state, or local permit requirements or in reaction to market changes. "Substantial completion" is considered the point in time when site work, paving (minimum of binder course), and utilities are complete and stormwater management facilities have been installed and are functioning as intended and the site areas are stabilized.

## RECORDS

1. The records of the Board shall be kept at the Town Office and shall be made available for public inspection at the (office of the Board, or office of the Town Clerk) as required by RSA 676:3, 11.
2. Minutes of the meetings including the names of Board members, persons appearing before the Board and a brief description of the subject matter shall be open to public inspection within five business days of the public meeting as required in RSA 91-a:2.11
3. If the town maintains a website, RSA 91-A:2, II-b (effective January 1, 2018) requires that approved minutes must also be posted on the website in a consistent and reasonably accessible location, or a notice must be posted and maintained on the website stating where minutes may be reviewed, and copies requested.

## JOINT MEETINGS AND HEARINGS

1. The Planning Board may hold joint meetings and hearings with other "land use boards" including the board of adjustment, the Historic District Commission, the Building Code Board of Appeals, and the Building Inspector. 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 chairs of the two boards.
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 hearings when the subject matter involves the Planning Board.
5. The rules of procedure for joint meetings and hearings, the subject matter of which involves the

Adopted March 21, 2024

Brian Taylor

Signature

BRIAN TAYLOR

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Linda Mailhot

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James R Guido

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JAMES R GUIDO

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Rules of Procedure for Planning Board

Signed 4/16/2024