



Town of Hopkinton

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HOPKINTON PLANNING BOARD PUBLIC NOTICE SEPTEMBER 16, 2014

Notice is hereby given that the Hopkinton Planning Board will hold a Public Hearing on proposed amendment to the Hopkinton Subdivision Regulations. The hearing will be held on **Tuesday, September 16, 2014**, at 7:15 PM in the Hopkinton Town Hall, 330 Main Street Hopkinton. The amendment proposed is as follows:

- a. **Amend Section I General Provisions, 1.3.1 Rules of Procedure** by inserting new language with respect to the duties and responsibilities of the Planning Board, including the procedures by which the Board receives and acts upon applications and communications.

A full-text of proposed amendments is available at Town Hall, Town Clerk's Office and Town's website.

Bruce Ellsworth
Chairman

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1.1 AUTHORITY These Regulations are adopted in accordance with the applicable provisions of RSA 672 through 677 inclusive of the Revised Statutes Annotated and originally authorized by the March 1969 Town Meeting.

1.2 TITLE The Regulations shall be known and may be cited as the “Subdivision Regulations, Town of Hopkinton, New Hampshire.”

1.3 JURISDICTION The provisions of these Regulations shall apply to all land within the boundaries of the Town of Hopkinton.

1.3.1 Rules of Procedure These Rules of Procedure are adopted under the authority of New Hampshire RSA 676:1.

~~I.—General~~

- (a) These Rules govern the procedures by which the Planning Board receives and acts upon communications or applications.
- (b) Generally, these Rules have the same definitions as contained in the Subdivision Regulations of the Town of Hopkinton.

1.3.1.1 Members and Alternates

- (a) The Hopkinton Planning Board shall consist of no more than ten (10) members, including alternate members. The Selectmen shall designate one selectman as an ex-officio member with power to vote.
- (b) Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673.
- (c) Up to three (3) alternate members shall be appointed by the Board of Selectmen as authorized by RSA 673:6. Alternate members 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.
- (d) 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. 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. During work sessions 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.
- (e) Members shall reside in the community and are expected to attend each meeting

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of the board to exercise their duties and responsibilities. Members, including the Chair and all officers, shall participate in the decision-making process and vote to approve, disapprove or abstain on all motions under consideration.

- (f) Each newly elected or appointed (including re-elected or re-appointed) member shall be sworn in and take an oath of office as required by RSA 42:1.

II.1.3.1.2 Officers ~~(a)~~ Annually, the **Planning** Board will elect officers at a duly noticed regular meeting after the Annual Town Meeting but no later than April 30th. ~~(b)~~ The officers of the Board shall include a Chair and a Vice Chair. The officers serve until they resign, they are no longer members of the Board, or until their successors have been duly elected. ~~(c) The duties and responsibilities of the officers are as follows:~~ **The officers of the Board are as follows:**

- (a) The Chair presides over all meetings **and hearings** of the Board. The Chair shall be the spokesman for the Board and shall be responsible for receiving and sending communications relative to the Board's business **and shall perform other duties customary to the office.**
- (b) The Vice Chair ~~exercises the duties of the Chair in the absence or unavailability of the Chair or when the Chair specifically requests.~~ **presides 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 when the Chair specifically requests.
- (c) In absence of the Chair and Vice Chair the Board may appoint another member to temporarily assume these duties.

The Planning Department shall keep a full and accurate record of the proceedings of each meeting; issue notices of all meetings; record the names of the members present; notify applicants and abutters of hearings; and prepare such correspondence and fulfill such duties as the Chair may specify. In the absence of the Planning Director, the Chair shall appoint a pro tem to keep records of the meeting.

III.1.3.1.3 Communications

- (a) All written communications to the Board shall be directed to:

Chairman of the Hopkinton Planning Board
330 Main Street
Hopkinton, New Hampshire 03229

- (b) Between meetings, parties may contact the Planning/Zoning Director at the Town Hall for information and assistance.

IV.1.3.1.4 Meetings

- (a) All meetings and work sessions of the Board are open to the public except when the Board shall vote pursuant to RSA 91-A:3 to adjourn to a nonpublic Session. The Board may hold all or a portion of a meeting in a nonvoting non-public session

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upon a majority roll-call vote in favor of a motion to that effect. Minutes of the nonpublic session shall be kept in conformance with RSA 91-A.

- (b) All full-time and alternate members of the Board are expected to attend all meetings. Whenever a regular member is absent or whenever a regular member disqualifies himself, the Chairman shall designate an alternate, if one is present, to act in the absent member's place.
- (c) A quorum of the Board is a total of four (4) full-time members and/or alternates designated to vote by the Chair. Any action of the Board may be adopted by a majority vote of those present and voting. In the case of a tie vote the Applicant shall prevail. The maximum number of members allowed to vote on an application shall be seven (7).
- (d) 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.

If a Board member or a member of the public believes that another Board member should disqualify him/herself, 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.
- (e) Unless otherwise designated in the public notices, all meetings of the Board will be held at the Hopkinton Town Hall.
- (f) Representatives of the media and general public will be allowed to observe, record, file and/or videotape Board meetings so long as they are not disruptive and do not interfere with the conduct of the Board's business.

§1.3.1.5 Public Hearings The conduct of a public hearing shall be governed by the following:

- (a) The Chair will preside over all hearings, except as mentioned in Section ~~§~~1.3.1.2 above.
- (b) Speakers shall address the Board, rather than each other. All speakers must state their names and addresses. Any party who desires to ask a question of another party must go through the Chair.
- (c) The applicant or his/her agent will be given the first opportunity to present the proposal and briefly explain it.
- (d) The Board will then decide if the application shall be accepted for consideration.

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- (e) Abutters, persons with a direct interest in the application, and Town Officials or their agents, may testify in person at the hearing, or in writing at or before the hearing. Town residents and others not described above will be permitted to testify at the discretion of the Chair.
- (f) The Chair shall have the discretion to set a time limit on each speaker in a uniform manner. The speaker will be selected at random and may be limited to two (2) opportunities to address the Board at one hearing. Those who wish to testify are encouraged to submit their comments in writing in advance of a hearing to assure that their comments will be conveyed to the Board even if time prevents them from fully expressing their views at the hearing. The Board may set a time limit on the hearing and/or continue the hearing if necessary.
- (g) The Chair shall close the public hearing after all parties have been heard and the Board shall proceed to consider action on the application.
- (h) The vote of each Board member shall be recorded as favoring, opposing, or abstaining.
- (i) All files, plans, records, and minutes shall be considered public information, unless voted otherwise by the Board. If so voted, the reasons therefore shall be a matter of public record.
- (j) The Board shall record all of the proceedings. Official tape recordings of the proceedings shall be retained until the Board approves the minutes of that proceeding and thereafter only so long as there is a specific reason to do so. ~~Specific reasons for retention of tape recordings of a proceeding include (a) application to the Zoning Board of Adjustment or court for an appeal of a matter discussed or decided at the taped proceeding, (b) the request by an applicant or by any member of the public for a copy of tape recording of proceedings before Planning Board.~~

VI.1.3.1.6 Joint Meetings and Hearings The Planning Board may hold joint meetings and hearings with other land use boards. Each board shall have discretion whether or not to hold such joint meeting or hearing (RSA 676:2).

- (a) Joint business meetings with another land use board may be held at any time when called jointly by the chairs of the two boards.
- (b) 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.
- (c) The Planning Board Chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
- (d) The Rules of Procedure for joint meetings and hearings, the subject matter of which involves the Planning Board, shall be the same as these Rules of Procedure except that the order of business shall be as follows:

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- (1) Call to order by Chair;
- (2) Introduction of members of both boards by Chair;
- (3) Explanation of reason for joint meeting/hearing by Chair;
- (4) In the case of a public hearing relative to a requested permit or an application for a plat approval, or both, the applicant shall be called to present his/her proposal;
- (5) Public testimony;
- (6) Deliberation;
- (7) Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter; and
- (8) Adjournment.

1.3.1.7 Miscellaneous Amendment and Waiver

- (a) These Rules may be amended by a majority vote of its members. The Board shall hold a public hearing prior to adoption of new rules or amendments of existing rules. Notice of the time and place of the hearing shall be as provided in RSA 676:7. ~~at any regular meeting of the Board for which proper notice of amendment was given.~~
- (b) For good cause and in order to prevent unnecessary hardship, the Board may grant waivers from strict compliance with these Rules upon the motion of any member of the Board.
- (c) Field inspections by members of the Board in whole or part may be required prior to making a decision. The Applicant and other interested parties may be given the opportunity to accompany the Board members on these inspections.

1.3.21.3.1.8 Subdivision No land shall be subdivided or lots conveyed or sold within the corporate limits of the municipality until:

- (a) The Planning Board has given final approval of the subdivision plan after a public hearing and after the Chairperson of the Board has affixed his/her signature on the approved plan.
- (b) The applicant has complied with all of these Regulations including the posting of appropriate performance guarantee.
- (c) The approved plan is filed with the Merrimack County Registry of Deeds.

1.3.31.3.1.9 Permits No building or other permit shall be issued for any parcel or plat until an approved subdivision plan is presented to the Building Inspector by the applicant.

1.4 PURPOSES These Regulations are adopted for the following purposes:

- (a) To protect and provide for the public health, safety, and general welfare of the municipality.

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- (b) To guide the future growth and development of the municipality, in accordance with the Master Plan.
- (c) To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other danger; and to prevent overcrowding of the land and undue congestion of population.
- (d) To protect and conserve the value of land throughout the municipality and the value of buildings and improvements upon the land.
- (e) To provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public requirements and facilities.
- (f) To provide for suitably located streets and/or access ways of sufficient width to accommodate existing and prospective traffic; to afford access for firefighting equipment to buildings; and to be coordinated so as to compose a convenient and safe circulation system.
- (g) To establish reasonable standards of design and procedures for subdivisions in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.
- (h) To insure that public facilities are available and will have a sufficient capacity to serve proposed subdivisions.
- (i) To prevent the pollution of the environment of Hopkinton; to assure the adequacy of drainage facilities; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the municipality in order to preserve the integrity, stability, and beauty of the community and the value of the land.
- (j) To provide for open spaces through the efficient design and layout of the land, while preserving the density of land as established in the Zoning Ordinance of the municipality.