



TOWN OF HOPKINTON, New Hampshire

PLANNING BOARD RULES OF PROCEDURE

- I. **AUTHORITY:** These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 676:1.
- A) These rules govern the procedure by which the Planning Board receives and acts upon communications and applications.
 - B) Generally, these Rules have the same definitions as contained in the Subdivision Regulations of the Town of Hopkinton.
- II. **MEMBERS AND ALTERNATES:** Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673.
- A) **Members:** The Board shall consist of seven members appointed by the Select Board and shall include one member of the Select Board to act as an ex-officio member with the power to vote. The appointment of members shall conform to the terms and requirements of RSA 672:3. Members of the Board shall conform to the limitations on multiple memberships set forth in RSA 673:7. Members are expected to attend all regular, special, and annual Meetings, public hearings, and joint meetings and hearings conducted by the Planning Board.
 - i. If a member cannot be present, they shall notify the Chair and/or administrative staff of their inability to attend. In the absence of a regular member, the Chair shall appoint an alternate from among those alternate members present to act in the place of the absent member.
 - ii. If a member chooses to recuse themselves from the Board for a particular agenda item, the Chair shall appoint an alternate from among those alternate members present to act in the member's place for that agenda item. At the beginning of a new agenda item, the member may take their seat on the Board, replacing the alternate.
 - iii. If the Select Board's representative to the Planning Board is absent, a regular alternate member will not be appointed to fill their place in accordance with RSA 673:11.
 - iv. At the Board's discretion, a member may participate by "electronic or other means of communication" subject to the requirements of RSA 91-A:2 III.
 - B) **Alternates:** The Select Board may appoint, in addition to regular members, not more than three alternate members. The terms and multiple membership requirements for alternates shall be the same as regular members.

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- i. Alternate members shall sit at the table with the Planning Board during all regular meetings of the board and may participate in questioning the applicants and discussing plans with the regular board members. Alternate members will not vote on applications before the Board unless they have been appointed to act as a member on the hearing item.
 - ii. The selection of alternate members to act as members of the Board shall be made by the Chair. In all cases, the decision of the Chair to appoint an alternate to act as a member shall be final.

III. OFFICERS: Annually, the Planning Board will elect officers at a duly noticed regular meeting after the Annual Town Meeting. The officers of the board shall include a Chair and Vice Chair.

A) Chair: The Chair shall preside over all meetings and hearings ~~of the board~~ and shall have the duties normally conferred on such officers.

- i. The Chair shall appoint such committees as directed by the Board, including one member of the Board who shall act as Chair of such committees.
- ii. As directed by the Board, the Chair shall affix their signature in the name of the Board to all approved plans and all correspondence from the Board.
- iii. In the absence of administrative staff, the Chair or their designee shall be responsible for the meeting records.

B) Vice Chair: The Vice Chair shall act for the Chair in their absence.

- i. The Vice Chair shall affix their signature to all approved plans and all correspondence on behalf of the Board.
- ii. In the absence of the Chair and administrative staff, the Vice Chair or their designee shall be responsible for the meeting records.

C) In the absence of the Chair and Vice Chair, the Board may appoint another member to temporarily assume these duties.

IV. COMMUNICATIONS: All written communications to the board shall be directed to: Chair of the Hopkinton Planning Board, 330 Main Street, Hopkinton, New Hampshire 03229. Between meetings, parties may contact the administrative staff at the Town Hall for information and assistance.

V. MEETINGS: 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.

A) Regular Meetings: Regular meetings shall be held at least monthly at the Town Hall on the second Tuesday of each month unless otherwise posted.

- i. Quorum Required: Four (4) members, or designated alternates, of the Planning Board shall constitute the quorum necessary to transact business at any meeting.

The maximum number of members allowed to vote on an application shall be seven (7).

- ii. Notice of Meeting: Notice of the time, date, and place of any meeting of the Board shall be posted in two public places at least 24 hours before the meeting.
- iii. 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. Such minutes shall be available for public inspection within five (5) business days of the meeting. Minutes of Nonpublic Sessions shall conform to the requirements of RSA 91-A:3.
- iv. Order of Business: The general order of business shall be in accordance with the posted agenda unless modified by the Chair or by a majority vote of the Board.
 - (a) Call to order by Chair.
 - (b) Roll call by the Chair.
 - (c) Conceptual Consultation.
 - (d) Application(s) - Consider completeness, acceptance, and whether it qualifies as a Development of Regional Impact (RSA 36:54-58).
 - (e) Public Hearing(s).
 - (f) Other Business.
 - (g) Minutes and Notice of Decision of the previous meeting.
 - (h) Reading of communications directed to the Board.
 - (i) Report of officers and committees.
 - (j) Unfinished business.
- v. Voting: A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present. Voting shall be by roll call, which shall be recorded in the minutes. If there is a tie vote, another motion should be discussed and worded in a way that would not result in a tie vote.

If any regular Board member is absent from a meeting or hearing, or disqualifies themselves from sitting on a particular application, the Chair shall designate an alternate member to sit in place of the absent or disqualified member. 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. Whenever possible, the alternate should continue until the matter is completed; the regular member should not vote on the matter.

If there is uncertainty as to whether a board member should recuse themselves or be disqualified at the request of that member or another member of the Board, the Board shall vote on the question. 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 not be requested by persons other than board members.

- B) Nonpublic Sessions: Nonpublic sessions shall be held only in accordance with RSA 91-A:3. The Board may hold all or a portion of a meeting in a nonvoting nonpublic session

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

- C) Special Meetings: Special meetings may be called by the Chair or, in their 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.

VI. PUBLIC HEARINGS: The conduct of a public hearing shall be governed by the following:

- A) Notice of Hearing: Notice of hearings shall be given at least ten calendar days prior to the hearing by posting in at least two public places. The ten days shall not include the day of posting or the day of the hearing (RSA 676:4).
- i. Notice of the submission of and public hearings on each application shall be made by “verified mail” to the applicant, abutters, and any professional whose seal appears on any plat (RSA 21:53).
 - ii. The Planning Board may combine the notice of submission with the notice of the public hearing by stating that if the application is accepted as complete, it will be on the agenda of each Planning Board meeting until a decision is made. The date of the public hearing must also be included on the notice.
- B) Conduct of Hearing: The Chair or, in their absence, the Vice Chair, or a member appointed by the Board, shall preside at the public hearing in which:
- i. The applicant or their agent will be given the first opportunity to present the proposal and briefly explain it.
 - ii. All 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.
 - iii. 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. Residents and others not described above will be permitted to testify at the discretion of the Chair.
 - iv. 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 ensure 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.
 - v. The Chair shall close the public hearing after all parties have been heard, and the Board shall proceed to deliberate on the application.

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- C) Record of Hearing: A public record of the proceedings shall be written and incorporated into the Board's minutes, per RSA 91-A.

VII. JOINT MEETINGS AND HEARINGS:

- A) Request for Joint Meeting: The Board, 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 of whether or not to hold a joint meeting with another board.
- B) Planning Board 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 these Rules of Procedure.
- C) Joint Meetings/Hearings Rules of Procedure: The Rules of Procedure for joint meetings and hearings shall be as follows:
- i. Call to order by Planning Board Chair;
 - ii. Introduction of members of both boards;
 - iii. Explanation of reason for joint meeting/hearing by Chair;
 - iv. In the case of a public hearing relative to a requested permit or an application for plat approval, or both, the Applicant shall be called to present their proposal.
 - v. Public testimony;
 - vi. Deliberation;
 - vii. Each board involved in a joint meeting/public hearing makes its own decision based on its criteria for the particular matter; and
 - viii. Adjournment.
- D) Notices/Decisions/Minutes: Each board participating in the Joint Meeting or Hearing shall be responsible for providing notice, filing minutes, and rendering and issuing decisions appropriate for the subject matter within its jurisdiction as prescribed for that board by statute, local ordinance, or other rules of procedure.

VIII. COMMITTEE OR SUBCOMMITTEE: A committee or subcommittee is any group of two or more persons, including at least one board member, to which the Board has assigned a specific task related to board business. A committee or subcommittee shall be considered a public body, and all provisions of RSA 91-A and this policy, applicable to a quorum of the Board, shall also apply.

IX. SITE VISITS: A site visit is defined as a visit by the Board, a committee, or a subcommittee to a location that is the subject of an application before the Board and involves going onto the property or visiting areas that are not customarily available for public inspection.

- A) Request: When the Board deems it necessary to consider an application adequately, the Chair shall request the Applicant to allow a site visit by the Board or its members. At the same time, the Chair may ask the Applicant if unaccompanied visits will be permitted.

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- B) Scheduling: The Planning Office shall schedule a site visit for the Board, which shall be noticed as a Meeting of the Board (RSA 91-A). If unaccompanied visits are permitted, members may visit individually where no meeting notice is required.
 - C) Minutes: Minutes of site visits shall be kept whenever there is a quorum of the Board, a committee, or a subcommittee conducting a site visit.

X. **APPLICATIONS AND FORMS**: All forms, including but not limited to applications, checklists, and waiver requests, prescribed herein and revisions thereof, shall be adopted by the Board and shall become part of these Rules of Procedure.

XI. **RECONSIDERATION, APPEAL, AND COURT REVIEW OF PLANNING BOARD DECISIONS (677:15)**: The Planning Board may reconsider any decision to approve or disapprove an application for good cause, provided it is within the statutory appeal period. This may be done through a motion that specifies the reasons for reconsideration. Upon successful passage of a motion, the Board shall schedule a public hearing, with notice as provided in 676:4, where the Board shall consider whether or not to revise or alter their original decision. Should the Board reach a new decision, a new appeal period shall be considered to have begun pursuant to RSA 677:15, et seq.

XII. **GUIDELINES FOR THE REVIEW OF ZONING ORDINANCE AMENDMENTS**: The following guidelines are intended to improve communication channels between the Planning Board and all Town Boards and Committees, as well as with the residents of Hopkinton. The guidelines identify timeframes for the distribution of amendments to Board and Committee chairpersons for review. The Planning Board encourages all parties to review proposed feedback and to provide feedback and testimony, where appropriate, to the Planning Board.

A) Submission of Proposed Amendments:

- i. Proposed Amendments are to be submitted to the Planning Board no later than the first business day in September.
- ii. Proposals are to be submitted in draft form with the corresponding ordinance redlined.
- iii. A written summary outlining the reasoning for the proposed ordinance changes should accompany the draft amendment.

B) Planning Board Process:

- i. Upon receipt of a proposed amendment, the Planning Board administrator will distribute the submission to Planning Board Members who will subsequently meet on the first Public Hearing in September to discuss the components and merit of the submission. It is encouraged that the author or representative of the amendment attend this meeting to present to the Board its recommendations.
- ii. The Planning Board shall upon receipt of a proposed amendment draft, send via email, a copy of the draft along with a copy of the written summary submission by the originating party to the chair of the Select Board, Town Boards and Town Committees for distribution to their respective members.

- iii. The proposed amendment drafts will be posted along with the Agenda for the September Public Meeting (this is not a hearing on the proposed amendment but posted at this juncture for information purposes).
- iv. Public Hearings on any proposed amendments will be scheduled in October with the 2nd and 3rd Hearings to be scheduled for November and December.
- v. All material changes to proposed amendment will be distributed to the parties identified above in ii. prior to the October Public Meeting. Town representatives and the public are encouraged to attend the Public Hearings.

XIII. AMENDMENTS AND WAIVERS:

- A) These rules may be amended by a majority vote of its members. The Board shall hold a public hearing prior to the adoption of new rules or amendments. Notice of the time and place of the hearing shall be as provided in RSA 676:4.
- 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.

STATE LAW REFERENCES

This table shows the location within these Rules of Procedure of references to the Revised Statutes Annotated (RSA) of the State of New Hampshire.

Rules of Procedure	Revised Statutes Annotated (RSA)
Section I Authority	RSA 676:1 Method of Adopting Rules of Procedure.
Section II Members and Alternates	RSA 91-A:2 III Meetings Open to Public. RSA 673:2 Planning Board. RSA 673:7 Planning Board Members Serving on Other Local Boards.
Section V Meetings	RSA 91-A Access to Governmental Records and Meetings. RSA 91-A:3 Nonpublic Sessions. RSA 36:54-58 Purpose; Definitions; Review Required; Procedure; Applicability.
Section VI Public Hearings	RSA 21 RSA 91-A Access to Governmental Records and Meetings. RSA 676:4 Board's Procedures on Plats.
Section VII Joint Meetings and Hearings	RSA 676:2 Joint Meetings and Hearings.
Section VIII Committee or Subcommittee	RSA 91-A Access to Governmental Records and Meetings.
Section IX. Site Visits	RSA 91-A Access to Governmental Records and Meetings.
Section XI. Reconsideration, Appeal, and Court Review of Planning Board Decisions (677:15)	RSA 676:4 Board's Procedures on Plats. RSA 677:15 Court Review.
Section XII. Amendments and Waivers	RSA 676:4 Board's Procedures on Plats.

The Hopkinton Planning Board adopted these Rules of Procedure at a regularly scheduled and noticed meeting on February 14, 2023, under the authority of the New Hampshire Revised Statutes Annotated RSA 676:1 and placed on file with the Town Clerk.

Michael Wilkey, Planning Board Chair