



Town of Amherst, New Hampshire
Planning Board

Rules of Procedure

Adopted by the Planning Board: October 23, 1973

Amended: August 1, 2018

1.0 AUTHORITY

- 1.1. These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 676:1.
- 1.2. They were adopted on August 1, 2018, at a regular meeting of the Amherst Planning Board.
- 1.3. These rules may be amended and revised at a regular meeting of the Planning Board when adopted by a majority vote. The amended procedures shall be filled with the Town Clerk.
- 1.4. The provisions of these rules of procedure shall be subject to any applicable state or local laws, regulations, or ordinances. All RSA references are "as amended".

2.0 MEMBERS

- 2.1. The Amherst Planning Board shall consist of seven (7) members, one of which shall be a designated ex-officio member from the Board of Selectmen to serve as full voting member in accordance with RSA 673:2.II (as amended).
- 2.2. Selection, qualification, term, removal, and filling of vacancies shall be in accordance with RSA 673.
- 2.3. Alternate members may serve on the Planning Board 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. Alternate members shall participate in all meetings and deliberations of the board, excluding voting (unless appointed to vote in the place of a regular member by the Chair at the meeting).

- 2.4. Each newly appointed (including re-appointed) member shall be sworn in and take an oath of office.
- 2.5. If any member is absent from three consecutive regular meetings, without a valid reason his or her name shall be recommended to the Board of Selectmen for removal from office.

3.0 ORGANIZATION

- 3.1. Officers: The officers of the Board shall be a Chair, a Vice-Chair and a Secretary.
- 3.2. Chair: The Chair shall preside at all meetings of the Board; shall prepare (with assistance from Staff) an annual report; shall appoint such committees as may be authorized by the Board; and shall perform other duties customary to the office. The Chair is authorized to speak directly with Town Counsel on an as needed basis.
- 3.3. Vice-Chair: The Vice-Chair shall perform the duties of the Chair in the absence or incapacity of the Chair.
- 3.4. Secretary: The secretary (with assistance from Staff) shall keep the records of the Board including the minutes of all meetings, public hearings and proceedings in accordance with RSA 91:A. The secretary shall be a member of the Board.
- 3.5. Temporary Absence: In the absence of any officer at a regular or special meeting, an officer pro-tempore may be elected by the Board.
- 3.6. The officers of the Board shall be elected annually during the month of April by a majority vote of the Board. Should any office of the Board become vacant, the Board shall elect a successor at the next regular meeting to serve the unexpired term of said officer.

4.0 MEETINGS

- 4.1. Regular meetings shall be held at least monthly on the first Wednesday of each month at 7:30 pm in the Town Hall.
- 4.2. Worksession meetings will be held monthly on the third Wednesday of each month at 7:30 pm in the Town Hall.
- 4.3. Special meetings may be called by the Chair or in her/his absence, by the Vice- Chair, or at the request of three regular members of the Board provided public notice and notice to each member is given at least 48 hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting.
- 4.4. Nonpublic Sessions shall be held in accordance with RSA 91-A:3.

- 4.5. Postponements: A meeting may be postponed or eliminated by the Chair if requested by four voting members and all members are notified.
- 4.6. Quorum: A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular members. A quorum is necessary for the Board to take any action with the exception of tabling a application(s) to a date specific. If any regular Board member is absent from a meeting or hearing, or disqualifies her/himself from sitting on a particular application, the Chair shall designate one of the alternate members 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. The alternate should continue until the matter is completed; the regular member does not vote on that matter.
- 4.7. Disqualification: If any member finds it necessary to be disqualified from sitting on a particular case, as provided in RSA 673:14, he or she 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 disqualified member shall leave the Board's table during the public hearing and all deliberations, but may remain in the audience as a member of the public. If uncertainty arises as to whether a Board member should disqualify her/himself, on the request of that member or the request of another member of the Board, 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. A vote on a question of disqualification shall be advisory and non-binding, and may not be requested by persons other than board members.
- 4.8. Order of Business at Regular Meeting shall be as follows:
 - a. Call to order by Chair
 - b. Approval of minutes of the previous regular or special meetings.
 - c. Old business
 - d. New business
 - e. Other business
 - f. Adjournment
- 4.9. Order of Business at Worksession shall be as follows:
 - a. Call to order by Chair

- b. Discussions on Ordinance or Regulation amendments, Master Plan related duties, workshops, and other Planning Board related topics.
 - c. Other business
 - d. Adjournment
- 4.10. Manner of voting - A motion duly seconded, shall be carried by an affirmative vote of a majority of the voting members present. The voting on all questions shall be entered upon the minutes, showing the yeas and nays or abstains on each question.

5.0 APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW

- 5.1. All applications for Subdivision, Non-Residential Site Plan or Conditional Use Permit approval shall be in accordance with the Town of Amherst's Subdivision and Non-Residential Site Plan Regulations and other applicable ordinances and regulations.

6.0 PUBLIC HEARINGS

- 6.1. The conduct of public hearings shall be governed by the following rules:
- a. The Chair shall call the hearing in session and read the application information into the record.
 - b. The applicant, or her/his representative will present the application to the Planning Board.
 - c. Members of the Board may ask questions during the presentation.
 - d. Only one member of the Board shall speak at a time.
 - e. Town Staff will present any comments or recommendations to the Board.
 - f. Any applicant, abutter or person with an interest in the matter may testify in person or in writing. The Chair may choose to limit abutter or other testimony to a maximum of two minutes, as necessary to accommodate a significant number of comments within a reasonable timeframe of the public hearing.
 - g. The applicant or any party who desires to ask a question or another party must go through the Chair.
 - h. Each person who speaks shall be required to state her/his name and address for the record.
 - i. The Board makes any appropriate motions regarding waivers requested and application acceptance.
 - j. The Board makes any appropriate motions regarding conditional approval, denial, or continuance of the application.

- k. The Chair shall indicate whether the hearing is closed or continued pending the submission of additional material or information or the correction of noted deficiencies. In the case of a continuance, additional notice is not required if the date, time and place of the continuation is made know prior to adjournment.
- l. No new matter shall be taken up for consideration by the Board after 10:00 PM. If there are unheard applications to the Board that are not taken up for review by the Board, they shall be tabled until the next available meeting or work session. If deemed desirable, the unheard matters may be scheduled at a special meeting of the Board, in accordance with section 4.3 of these regulations at the Chairman's discretion.

7.0 DECISIONS

- 7.1. The Board shall render a decision within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in RSA 676:4.
- 7.2. Notice of decision will be made available for public inspection at the Community Development Office within 5 business days after the decision is made as required in RSA 676:3. If the application is disapproved, the Board shall provide the applicant with written reasons for disapproval.

8.0 RECORDS

- 8.1. The records of the Board shall be kept by the Secretary in cooperation with Staff, and shall be made available for public inspection at the Community Development Office as required by RSA 676:3 .
- 8.2. Minutes of the meetings shall include the names of Board and staff members present, persons appearing before the Board, a brief description of the subject matter, all decisions made (including a vote tally for each motion), and shall be open to public inspection within 5 business days after the public meeting as required in RSA 91-A:2.II and 676:3.

9.0 JOINT MEETINGS AND HEARINGS

- 9.1. The Planning Board may hold joint meetings and hearings with other "land use boards" including the Zoning Board of Adjustment, Conservation Commission, Heritage Commission and Historic District Commission. Each board shall have discretion whether or not to hold such joint meeting or hearing (RSA 676:2).
- 9.2. Joint business meetings with another local land use board may be held at any time when called jointly by the chairmen of the two boards.

- 9.3. 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.
- 9.4. The Planning Board Chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board in accordance with RSA 676:2.
- 9.5. 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:
 - a. Call to order by Chair
 - b. Introduction of members of both boards by Chair
 - c. Explanation of reason for joint meeting/hearing by Chair
 - d. In the case of a public hearing relative to a requested permit, a site plan or an application for a subdivision approval, or all three, the applicant shall be called to present his proposal.
 - e. Adjournment
- 9.6. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.