

TOWN OF HILL PLANNING BOARD  
HILL, NEW HAMPSHIRE 03243

RULES OF PROCEDURE

- I. NAME: The name of the board shall be the "Town of Hill Planning Board" as approved by the Town Meeting of March 7, 1972. It shall be understood that within these rules the terms 'Planning Board' and 'Board' shall mean the Town of Hill Planning Board.
- II. AUTHORITY: These rules of procedure are adopted in accordance with RSA 676:1 and 676:2-I.
- III. DUTIES:
- A. The duties of the Planning Board extend (as a minimum) to the following:
- Preparation, adoption and upkeep of the Master Plan
  - Preparation, adoption and administration of Subdivision Regulations
  - Preparation, adoption and administration of Site Plan Review Regulations
  - Prepare and amend the Capital Improvements Program
  - Preparation, adoption and administration of Earth Excavation Regulations
  - Preparation, adoption and administration of Regulations Covering Driveways
  - Reviewing from time to time the Hill Zoning Ordinance and Floodplain Development Ordinance and recommending to Town Meeting appropriate changes to such ordinances
- IV. ORGANIZATION: The Planning Board shall consist of seven members, one of whom shall be a Selectman ex officio, and three alternates appointed by the Board of Selectmen. Terms of appointment shall be for three years and shall be staggered so that the terms of two non ex-officio members and one alternate shall terminate at Town meeting each year. All members and alternates must be sworn in by the Town Clerk prior to sitting on the Board. Selection, qualifications, disqualification, removal and the filling of vacancies of members (and alternates) shall conform with RSA 673. Officers of the Board shall be elected from the members by majority vote at the Annual Meeting to serve for a term of one year; vacancies of officers shall be filled by majority vote as required.

- V. OFFICERS: The officers of the Planning Board shall consist of Chairman, Vice Chairman, Secretary and Treasurer, except that a single member may serve as both Secretary and Treasurer.
- A. The Chairman shall preside over all meetings of the Board, ensure that all proceedings are in accordance with State statute and ordinances and regulations of the Town, present an annual report (as of December 31st) to the Board for inclusion in the Town Report, and appoint committees comprised of at least one member of the Board and other residents as appropriate.
- B. The Vice-Chairman shall assume all duties and responsibilities of the Chairman in his absence and perform such other duties as may be assigned by the Chairman.
- C. The Secretary shall be responsible to keep a full and accurate record of proceedings of all meetings, to receive all applications and correspondence on behalf of the Board, to post and/or have published public notices and to cause to be mailed all abutters' notices, to cause to be recorded all regulations and rules and changes thereto, to maintain the files and records of the Board and to assist the Chairman as necessary.
- D. The Treasurer shall be responsible to
- Manage the petty cash fund for miscellaneous expenses (paper, copying, phone calls, stamps and certified mailings, etc.), to maintain an itemized record of all transactions and to request additional funds from the Board of Selectmen as necessary
  - Record and transmit promptly all miscellaneous receipts, funds for off-site improvements and impact fees to the Board of Selectmen
  - Present all invoices chargeable to the Board to the Board of Selectmen for payment

VI. MEETINGS:

- A. Regular meetings of the Planning Board will be held every month of the year on the third Thursday at 7:00 PM in the Town Hall, unless a different date, time and/or place is selected by majority vote of the Board. A regular meeting may be postponed by the Chairman upon the request of three voting members. The public and all members shall be notified at least ten days in advance of any such change.
- B. The first regular meeting after Town Meeting shall be the Annual Meeting of the Planning Board. This meeting shall be called to order by the member having the longest total service on the Board, and the election of officers will be held immediately thereafter and such officers installed.
- C. Special meetings of the Board shall be called by the Chairman upon a majority vote of the members, or upon the request of three voting members, or upon receipt of a request for a point meeting. A point meeting with another land use board (as provided in X below) shall be a special meeting, except that it shall be called only upon a majority vote of the Board. The public and all members shall be notified at least ten days in advance of a special meeting.

VII. AGENDA:

A. For each regular meeting, the order of proceedings shall be as follows:

- Approval of minutes of the previous meeting
- Secretary's report
- Treasurer's report
- Chairman's report
- Committee reports
- Reading of communications directed to the Board
- Unfinished business/continued hearings
- New Business/initial hearings
- Adjournment

B. Specific agenda Items may be accepted and scheduled by either the Chairman or the Secretary.

C. Public hearings shall be scheduled no earlier than fifteen minutes after the convening of a regular meeting in order to permit the Board to conduct its regular business. If, however, the Board has not completed its business, the business session shall be suspended until after the scheduled hearing(s).

VIII. RULES OF ORDER:

A. When there is an absence on the Board and the Chairman has seated an alternate, that alternate shall assume all the duties of a member for that meeting.

B. Four voting members shall constitute a quorum for the transaction of business, except that a lesser number may meet and adjourn.

C. A motion shall be carried by a majority of members present and voting in the affirmative, unless otherwise specified.

D. A ruling of the Chairman may be overturned by a vote of a majority of the members present.

E. At any time that a member of the Board believes that advice of legal counsel is appropriate on an issue being addressed by the Board, he shall raise the issue promptly. The Board may by vote direct that the Chairman obtain authorization from the Board of Selectmen to place the matter before Town Counsel for a formal opinion. No member of the Board except the Chairman shall contact Town Counsel without prior vote of the Planning Board.

F. No member of the Board except the Secretary is authorized to convey a decision to any party prior to approval of the minutes or release of the Notice of Decision, whichever is earlier.

G. No member of the Board shall incur any expense chargeable to the Board without prior Board approval. Prior to any expense in excess of \$25, a purchase order shall be obtained from the Board of Selectmen and a copy provided to the Treasurer of the Planning Board.

H. No member of the Board shall instigate or promote the use of deed restrictions as a means of spot zoning or supplementing the Zoning Ordinance.

I. Any of these rules may be suspended at any meeting for that meeting or for a portion of that meeting by a vote of no less than two-thirds of the members present.

- IX. HEARINGS: Hearings shall be held whenever required by statute or regulation and appropriate notice given to the public (and abutters) as prescribed in statute or regulation. The order of proceedings for *public* hearings shall be as follows:
- Call to order by the Chairman and statement of the purpose of the hearing
  - Roll call of the Board and identification by name of all abutters present (regardless of whether they wish to speak on the matter) by the Secretary
  - A review by the Chairman and/or Secretary of all administrative elements of the application or action being heard
  - A brief explanation by the applicant or designated agent of the proposed action
  - Questions from the Board necessary to understand the request
  - Questions from abutters and the public necessary to understand the request
  - Responses from the applicant/agent to resolve questions of definition of the request
  - Comments from abutters
  - Comments from the public
  - Comments from the Board
  - Response from the applicant/agent to comments, only, if the applicant/agent so desires
  - Deliberation by the Board
  - Motion and vote by the Board to render a decision and/or to continue the matter to another hearing time
  - Adjournment of the hearing
- X. JOINT MEETINGS/HEARINGS: Joint meetings/hearings are permitted under RSA 676:2-I. Such joint meeting may be requested by an applicant if he can show that two or more land use boards have responsibilities in the matter. Additionally the Planning Board may on its own initiative request a joint meeting with another land use board. On the other hand the Planning Board also shall have the discretion as to whether or not to hold a joint meeting requested by an applicant or another land use board. Requests for joint meetings shall be addressed by the Planning Board within ten (10) days at its next regular meeting or at a special meeting, if necessary. There are two clear instances in the Zoning Ordinance where a joint meeting with the Zoning Board of Adjustment may be appropriate:

- A. Request-for Special Exception- Article VIII D of the Zoning Ordinance expressly involves the Planning Board. In such instances, the applicant shall first apply to the Zoning Board of Adjustment and if a joint meeting is to be held, the following procedures shall apply:
- Notice of the Joint meeting shall be issued by the Zoning Board of Adjustment
  - The joint meeting shall be chaired by the Chairman of the Zoning Board of Adjustment
  - The Planning Board shall maintain its own record of the joint proceedings, except for any executive session held by the ZBA under RSA 91-A
  - Upon a vote of the members, the Planning Board may adjourn and withdraw from the meeting after it has met its obligation under Article VIII D of the Zoning Ordinance
  - In order to facilitate the planning Board in carrying out its duty under Article VIII D of the Zoning Ordinance, the applicant should furnish adequate definition of the proposal, which would include, as a minimum, an accurately drawn sketch of the entire parcel at a scale not greater than 100 feet to the inch, topographic contours not greater than 20 foot intervals, layout of all proposed streets and driveways, sites and overall dimensions of all proposed structures, location of all exposed ledge, wetlands and slopes in excess of 15%, and a written statement of the proposed use.
- B. Request for Variance in order to Qualify for a Sub-Standard Subdivision- If the purpose of the variance requested under Article VIII E of the Zoning Ordinance is ultimately to qualify for a subdivision, the Planning Board has a decisive role. In such instances, the applicant shall file the request for variance with the Zoning Board of Adjustment and the application for subdivision along with a copy of the application for variance with the Planning Board concurrently; and if a joint meeting is to be held, the following procedures shall apply:
- Notice of the joint meeting shall be issued by the Planning Board
  - The joint meeting shall be chaired by the Chairman of the Planning Board
  - The Planning Board shall maintain its own record of the joint proceedings, except for any executive session held by the ZBA under RSA 91-A
  - The applicant shall comply with all of the provisions of the Hill Subdivision Regulations, except those addressed by the requested variance.

XI. OTHER MATTERS:

A. Announcement of decisions by the Board shall be made at duly noticed meetings of the Board, and shall be reflected in detail in the minutes of that meeting. A Notice of Decision shall be prepared and filed within 72 hours with the Town Clerk. In addition a Notice of Decision, including reasons therefor, shall be provided to the applicant in the instance of disapproval.

B. Approved revisions of ordinances, regulations, and rules of procedure will be filed promptly by the Secretary with the Town Clerk to be transmitted to the Registry of Deeds as required. Copies will be furnished to the Town Library, Board of Selectmen, and other town land use boards.

C. Plats of subdivisions will be filed within ten days of final Board approval or of the setting of boundary markers, whichever is later, by the Secretary directly with the Registry of Deeds.

D. In general the Chairman and at least one other member of the Board will carry out site visits. On rare occasions the entire Board may vote to carry out a site inspection, in which case the owner of the property will be advised by the Secretary in advance.

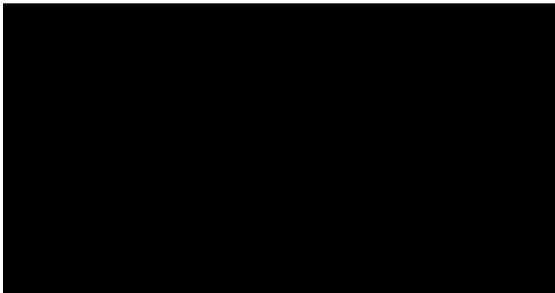
E. All members, including alternates, who are unable to attend a Board meeting shall be responsible to notify the Chairman or Secretary in advance. The presiding officer shall appoint the senior alternate to assume all the duties of the absent member for that meeting. After three unexcused absences per year, the member or alternate will be asked to resign.

F. Minutes shall be recorded promptly by the Secretary. If the minutes arise from a joint meeting, a copy of the unapproved Planning Board minutes shall be provided promptly to each other land use board involved. Typewritten copies of the minutes shall be provided to each member at the following meeting prior to a vote for approval. Additional copies of approved minutes shall be included in each Board action jacket file addressed in those minutes.

G. Keys to the Planning Board files shall be issued to the Chairman and Secretary only.

Adoption Verification

These Rules of Procedure have been adopted by the Hill Planning Board on September 21, 1989, after a duly noticed public meeting.



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## HILL PLANNING BOARD

### A CODE OF CONDUCT FOR BOARD MEMBERS (\*)

- (1) I will not be coerced into decisions by pressure groups. Rather I will listen to all points of view and try to make decisions based on all available data.
- (2) I will strive to identify my own personal biases and prejudices and to keep them from influencing my decisions.
- (3) In the consideration of financial matters, such as budget approval, I will attempt to maintain a balance between fiscal responsibility and a commitment to the best interests of the Town, including its harmonious and orderly development and creation of conditions favorable to health, safety, convenience and prosperity of the Town.
- (4) I will remember that the Planning Board functions only as a whole board in a legal meeting, and I will not attempt to exercise authority as an individual and make unauthorized commitments on behalf of the Board.
- (5) If I should be a member of the minority on any vote, I will abide by the majority opinion or decision.
- (6) If contacted by a land owner or citizen about a subdivision or other problem falling within the jurisdiction of the Planning Board, I will point out how important it is to follow a proper procedure and explain that the complainant should seek recognition by appearance at a regular meeting of the Planning Board after seeking advice and guidance from the Chairman or Secretary of the Board if he desires.
- (7) I will observe provisions of the N.H. Right to Know Law (RSA 91-A) which governs public proceedings and access to public records, and will respect the confidentiality of information disclosed in any executive session of the Board.
- (8) Even though I may have been appointed or elected by my friends and neighbors, I will view myself as a representative of the entire Town and will not be influenced by partisanship. I will consistently support what is best for the whole Town.
- (9) I will abide by all Laws and Regulations governing duties and activities of the Planning Board.

(\*) Adapted from Hill School Board Code of Conduct for Board Members.

Amendments: 2005

Section VI. Changed meeting time from 7:30 p.m. to 7:00 p.m.

Section X. A. fifth item. was replaced with following:

- In order to facilitate the planning Board in carrying out its duty under Article VIII D of the Zoning Ordinance, the applicant should furnish adequate definition of the proposal, which would include, as a minimum, an accurately drawn sketch of the entire parcel at a scale not greater than 100 feet to the inch, topographic contours not greater than 20 foot intervals, layout of all proposed streets and driveways, sites and overall dimensions of all proposed structures, location of all exposed ledge, wetlands and slopes in excess of 15%, and a written statement of the proposed use.

purpose was to make language consistent with Land Subdivision regulations and clarify contour scale

Section XI. E. replaced by following:

E. All members, including alternates, who are unable to attend a Board meeting shall be responsible to notify the Chairman or Secretary in advance. The presiding officer shall appoint the senior alternate to assume all the duties of the absent member for that meeting. After three unexcused absences per year, the member or alternate will be asked to resign.

Duly noticed public hearing on amendments was held on 21 July 2005

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