



**PLANNING BOARD  
NOTTINGHAM, NEW HAMPSHIRE**

**BY-LAWS  
AND  
RULES OF PROCEDURE  
FOR THE TRANSACTION OF BUSINESS**

Amended April 13, 2022

**PLANNING BOARD  
NOTTINGHAM, NEW HAMPSHIRE**

**BY-LAWS AND RULES OF PROCEDURE  
FOR THE TRANSACTION OF BUSINESS**

**ARTICLE I – AUTHORITY, ADOPTION AND AMENDMENT**

SECTION-1- The Planning Board of Nottingham, New Hampshire, as established by Chapter 673:1, shall have such rights, powers, and duties as are conferred or imposed upon it, by the Residents of Nottingham, as authorized by Chapter 674:1 of the New Hampshire Revised Statutes Annotated, and any amendments. The full versions of the Land Use Statues may be found in the New Hampshire Planning and Land Use Regulation issued by the New Hampshire Office of Planning and Development; and at <http://www.gencourt.state.nh.us/rsa/html/nhtoc.htm>

SECTION 2 – In accordance with RSA 676:1, these *By-Laws and Rules of Procedure* shall be adopted at a regularly scheduled meeting of the Planning Board. Once adopted, a copy of the adopted *By-laws and Rules of Procedure* shall be placed on file with the Town Clerk.

SECTION 3 – These *By-laws and Rules of Procedure* may be amended by a majority vote of the Planning Board provided that such amendment is read and signed by the Planning Board at the next regularly scheduled meeting. Once amended, a copy of the amended *By-laws and Rules of Procedure* shall be placed on file with the Town Clerk.

SECTION 4 – A statement shall be provided that denotes “Date Adopted:”

SECTION 5 – A listing shall be provided that denotes “Date Amended”, with a listing of each date it was amended.

**ARTICLE II - MEMBERS AND VACANCIES**

SECTION 1 – Per RSA 673:2 The Planning Board shall consist of seven (7) members. Six (6) members shall be elected by majority vote at the Annual Town meeting. The seventh member shall be an Ex-Officio member. The Select Board shall choose one Select Board Member or administrative official of the town as an Ex-Officio member.

SECTION 2 – Per RSA 673:5, II, The term of an elected Planning Board member shall be three (3) years. The initial terms of members first elected to the Planning Board shall be staggered so that no more than three (3) appointments or elections occur annually in the case of a seven (7) member board, except when required to fill a vacancy.

SECTION 3 – Per RSA 673:6, II, an elected Planning Board may appoint five (5) alternate members for a term of three (3) years each, which shall be staggered.

SECTION 4 – Per RSA 673:7, I, Appointed/elected members, which includes alternates, of the Planning Board may also serve on any other municipal board or commission, provided that such multiple memberships does not result in two (2) Planning Board members serving on the Conservation Commission, the local governing body, or a local Land Use Board as defined in RSA 672:7

SECTION 5 – Per RSA 673:12, I, Vacancies of an elected Planning Board member shall be filled by appointment, by the remaining Planning Board members, until the next regular Town election.

SECTION 6 – Per RSA 42:1, Each newly elected or appointed Planning Board member, including re-elected or alternate Planning Board member, shall be sworn in and take an oath of office.

SECTION 7 – Per RSA 42:8, The Town Clerk shall record and keep on file, the oath and expiration date of each Planning Board member and alternate. Additionally, a record shall be kept in the Land Use Office.

SECTION 8 – Per RSA 673:10, III, A majority of the membership of the Planning Board shall constitute the quorum necessary in order to transact business at any meeting/hearing of the Planning Board. A quorum shall include alternates sitting in place of regular Planning Board members.

SECTION 9 – Per RSA 673:11, Whenever a regular member of the Planning Board is absent or whenever a regular member disqualifies themselves, the Chairperson shall designate an alternate, if one is present, to act in the absent Planning Board member's place; except that only the alternate designated for Select Board (Ex-Officio) shall serve in place of that member.

SECTION 10 – Regular Planning Board members and alternates who are unable to attend regularly scheduled/posted meeting/hearings shall inform the Land Use Clerk, Board Chairperson and Vice-Chairperson twenty-four (24) hours or as soon as possible, via email, and by phone, if possible, before the scheduled meeting/hearing day.

### **ARTICLE III - OFFICERS AND THEIR DUTIES**

SECTION 1 – Officers of the Planning Board shall consist of a Chairperson, Vice-Chairperson and Secretary. The officers shall be elected or appointed Planning Board members. An Ex-Officio member shall not serve as an officer.

SECTION 2 – Per RSA 673:9 the term of the officers shall be one (1) year. The Chairperson and officers shall be eligible for reelection.

SECTION 3 – The Chairperson shall preside over all meetings/hearings and have all powers and duties normally conferred by parliamentary usage on that office.

SECTION 4 – The Vice-Chairperson shall perform all the duties of the Chairperson in their absence or disability. The Vice-Chairperson shall also perform such duties as required by the Planning Board.

SECTION 5 –The Secretary shall also perform such duties as required by the Planning Board, such as taking minutes in the absence of the Land Use Clerk.

SECTION 6 – In the absence of the Chairperson and Vice-Chairperson, the Planning Board members present, by majority vote of a quorum, may select an Acting Chairperson, until such time as the Chairperson or Vice-Chairperson is again present. The Acting Chairperson shall perform, in the absence of the Chairperson and Vice-Chairperson, such duties as required by the Planning Board.

#### **ARTICLE IV - ELECTION OF OFFICERS**

SECTION 1 – The first regularly scheduled meeting following Town elections, or at a special meeting of the Planning Board, will be utilized to elect officers and supply all members updated materials necessary to perform their duties. No regular business shall be conducted at this meeting.

SECTION 2 – Candidates for any office receiving a majority vote of the Planning Board shall be sworn in by the Town Clerk or another qualified person prior to taking office. After taking the oath of office the elected candidate shall take office immediately.

SECTION 3 – Vacancies in offices will be filled at the next regular meeting by the regular election procedure.

SECTION 4 – Per RSA 673:8, it shall be the policy of the Planning Board to elect officers and may create other offices, liaisons to boards and committees (including ad hoc and sub) as it deems necessary.

#### **ARTICLE V – PLANNING BOARD DUTIES**

SECTION 1 – Per RSA 674:1, I, It shall be the duty of every Planning Board established under RSA 673:1 to prepare and amend from time to time a Master Plan to guide the development of the municipality. Every Planning Board shall from time-to-time update and amend the adopted Master Plan with funds appropriated for that purpose by the local legislative body.

SECTION 2 – Per RSA 674:1, II, The Planning Board may from time-to-time report and recommend to the appropriate public officials and public agencies programs for the development of the municipality, programs for the erection of public structures, and programs for municipal improvements. It shall be part of the Planning Board's duties to consult with and advise public officials and agencies, public utility companies, civic, educational, professional, research and other organizations, and to consult with citizens, for the purposes of protecting or carrying out of the master plan as well as for making recommendations relating to the development of the municipality.

SECTION 3 – Per RSA 673:3-a, Within the first year of assuming office, a new member of the Planning Board should complete training for the member's respective position. The training shall be designed and furnished by the Office of Planning and Development or comparable organization. Planning Board members are encouraged to attend additional training as made available and approved by the Planning Board.

SECTION 4 – Per RSA 674:1, III, Members of the Planning Board, when duly authorized by the Planning Board as a whole, may attend municipal planning conferences/meetings, or hearings upon pending municipal planning legislation. The Planning Board may, by majority vote, authorize the payment of reasonable expenses incident to such attendance.

SECTION 5 – Per RSA 674:1, IV, The Planning Board, and its members, officers, and employees, in the performance of their functions may, by ordinance, be authorized to enter upon any land and make such examinations and surveys as are reasonably necessary and place and maintain necessary monuments and marks and, in the event consent for such entry is denied or not reasonably obtainable, to obtain an administrative inspection warrant under RSA 595-B.

SECTION 6 – Per RSA 674:1, V, The Planning Board may, from time to time, recommend to the local legislative body amendments of the Zoning Ordinance or Zoning Map or additions thereto.

#### **ARTICLE VI – COMMITTEES**

SECTION 1 – The Board may create Sub-Committees to study and report upon such matters as directed which are germane to the purpose of the Board, such as the Master Plan Update Committee. For any town committees, such as the Capital Improvement Plan (CIP) committee, the Board should appoint at least one member of the Board to participate as a member. For any regional committee, such as a committee formed by the Strafford Regional Planning Commission (SRPC), the Board may appoint as many members as appropriate for that position.

SECTION 2 - Committees shall include at least one (1) but not more than three (3) Board members and may include members of the public as appropriate.

SECTION 3 – Duties of any Committee shall be defined by the Board at a regular meeting

SECTION 4 – The Committee shall appoint a Chair and Vice-Chair of the Committee by vote of a majority of the members of said Committee. In the absence of such a vote, the first Board member named to the Committee shall be Chair thereof. The Chairperson and/or Vice Chair shall be members or alternate members of the Board.

SECTION 5 – Meetings will be held at such a time and place as designated by the Chair. A notice of time and place of all meetings/hearings shall be posted in two (2) appropriate places in the town, one of which is the Town of Nottingham Municipal Offices and the other may be the Town website, at least twenty-four (24) hours, excluding Sundays and legal holidays, prior to the meeting/hearing.

SECTION 6 –Minutes must be kept in accordance with RSA 91-A:2

## **ARTICLE VII - REMOVAL OF MEMBERS**

SECTION 1 – Per RSA 673:13, Planning Board members may be removed in accordance with the provisions stated.

SECTION 2 – Per RSA 673:13, II, Planning Board members and alternates who miss three (3) or more consecutive meetings/hearings/workshops without notifying the Land Use Clerk may be subject to removal by action of the Select Board.

## **ARTICLE VIII – Land Use Clerk**

SECTION 1 – The Land Use Clerk, an employee of the Town, shall receive completed applications, keep full and accurate records of the proceedings of each meeting/hearing, supply notice of meetings/hearings, attend to correspondence, supply decisions, record mylars at the Registry of Deeds, prepare and distribute the agenda and fulfill such duties as may be determined by the Planning Board. The Land Use Clerk is not a Planning Board member and cannot vote on Planning Board matters.

SECTION 2 – The Land Use Clerk shall post the agenda per RSA 91-A:2:II - A notice of time and place of all meetings/hearings shall be posted in two (2) appropriate places in the town, one of which is the Town of Nottingham Municipal Offices, at least twenty-four (24) hours, excluding Sundays and legal holidays, prior to the meeting/hearing. It shall include consideration of the minutes of the previous meeting/hearing(s), public meetings, public hearings and preliminary discussions on proposed projects, other business and adjournment.

SECTION 3 – The Land Use Clerk shall mail public notices Per 676:4, I(d), Public notice for applications shall be given to the abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the Planning Board, by certified mail of the date upon which the application will be formally submitted to the Planning Board. Notice shall be mailed at least ten (10) days prior to submission. It is the sole responsibility of the applicant and/or agent to prepare the abutter list in order for the Land Use Clerk to mail the certified public notices.

SECTION 4 – The Land Use Clerk shall publish public notices per RSA 676:4, I(d), Public notice to the general public shall be posted or published as required by law.

SECTION 5 – The Land Use Clerk shall mail decisions per RSA 676:3, I, A final written decision shall be issued which either approves or disapproves an application within five (5) business days of such vote.

SECTION 6 – The Land Use Clerk shall publish Zoning/Regulation Changes per RSA 675:7 - Notice for proposed changes to the Master Plan, Zoning Ordinance, Building Code, Subdivision Regulation and Site Plan Review Regulation shall be given for the time and

place of each public hearing at least ten (10) calendar days before the hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality and shall be posted in at least two (2) public places, one of which is the Town Hall.

SECTION 7 – The Land Use Clerk shall prepare minutes per RSA 91-A:2:II - Minutes shall be promptly transcribed and open to public inspection within 5 business days, excluding National and State holidays of the public meeting/hearing/workshops. They will be posted in at least two (2) public places in accordance with the above referenced RSA.

SECTION 8 – In the event of a vacancy of the Land Use Clerk position or temporary leave of absence by the current Land Use Clerk, the Planning Board or Town Administrator shall designate one (1) or more individuals to fulfill the necessary duties and responsibilities until the position is filled or the current Land Use Clerk is able to resume their duties and responsibilities.

### **ARTICLE IX - OTHER AGENTS OF THE PLANNING BOARD**

SECTION 1 – Per RSA 673:16, I, The Planning Board may appoint such employees as it deems necessary for its work. The Planning Board may also contract with planners, engineers, architects, and other consultants for such services as it may require.

SECTION 2 – A Planner and/or consultant may review subdivision and site plan applications and perform other duties as determined by the Planning Board.

### **ARTICLE X – MEETINGS/HEARINGS**

SECTION 1 – Per 673:10, the Planning Board shall hold at least one regular meeting in each month. Meeting(s) shall be held on the second and/or fourth Wednesday of each month at 7:00 pm in the Town of Nottingham Municipal Offices unless otherwise specified by the Chairperson. One or more members may participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of RSA 91-A:2 III.

SECTION 2 – In addition to those required by law, the Planning Board may at its discretion hold public hearings when it decides that such hearings will be in the public interest.

SECTION 3 – The Planning Board may have additional meetings and/or workshop sessions as needed. The public notice shall specify the general purpose of the meeting.

SECTION 4 – Nonpublic sessions shall be held only in accordance with RSA 91-A:3 and shall be moved to and conducted in a physically different location, when members of the public are present.

### **ARTICLE XI - CONDUCT OF BUSINESS**

SECTION 1 – The order of business at meetings/hearings shall be as follows:

A. Call to order by the Chairperson/Acting Chairperson

- B. Public meetings/hearings and/or proposed projects
- C. Reports from Planning Board Agents, advisors, Board members, and or committees,
- D. Public Comment (non-case related)
- E. Other Business
- F. Consideration of the minutes
- G. Adjournment

SECTION 2 – Conflict of Interest

- A. Per RSA 673:14, no Planning Board member shall participate in deciding or shall sit upon the hearing of any question which the Planning Board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties.
- B. When uncertainty arises, the Planning Board shall, upon the request of that member or another member of the Planning Board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding and may not be requested by persons other than Planning Board members, except as provided by local ordinance or by a procedural rule adopted under RSA 676:1.
- C. Once the Planning Board member has disqualified themselves, the disqualification shall be announced by either the Chairperson or Acting Chairperson before the discussion or public hearing. The Planning Board member disqualified shall leave the Planning Board table during all deliberations on the matter. The Chairperson shall fill the vacancy by the alternate next in rotation, if one is present. Once the matter has been closed for discussion, the alternate, if one is present, shall step down from the Planning Board and the regular Planning Board member shall rejoin the board.
- D. Members shall endeavor to protect their unbiased status to participate in any case before the Board, by refraining from discussion of any case outside of any public hearings, with any prospective applicant or member of the public, other than staff, while a case may be pending before the Board.

If any discussion pertaining to any case before the Board takes place the member should inform the Chairperson at the beginning of the public hearing and prior to any vote being taken. A member may step down anytime.

- E. No member of the Board shall participate in any information gathering, interviews or site visits on any case without the express permission of the Board or in conjunction with the Planning staff.



- F. All members are encouraged to meet with staff on any case, at any time, and any information gained during these meeting will not constitute a cause for conflict of interest.

SECTION 3 – Actions shall be taken on the basis of a motion duly seconded, made by any Planning Board member. The number of votes necessary to transact business shall be a majority of those Planning Board members present and voting, except that no issue is to be considered passed that receives fewer than three (3) affirmative votes. Any Planning Board member may request recording of their vote on any issue or withdrawal from consideration on any issue with the reason stated, therefore. And at the request of any Planning Board member, the Chairperson shall call for a recorded roll call vote on any issue.

SECTION 4 – 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 Chairperson 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 regular board 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, second or vote upon any motions. During the 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 Chairperson shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application.

## **ARTICLE XII - RULES OF PROCEDURE**

SECTION 1 – Application for Subdivision and Site Plan Review hearings before the Board shall be made on forms provided by the Board and shall be presented to the Board’s designated agent who shall sign and record the date of receipt.

- A. Notice shall be given as required in RSA 676:4, I(d), ten (10) days before a completed application is submitted to the Board.
- B. Completed applications shall be scheduled for consideration as per applicable regulations.
- C. The Board shall reject or conditionally accept all applications not properly completed.

SECTION 2 – Notice: Before taking action on a site plan or subdivision, the Planning Board shall hold a public hearing thereon. All parties, including abutters, shall be notified of the public hearing, in accordance with RSA 676:4, I(d), by certified, return receipt requested mail at least than ten (10) days before the date fixed for the hearing. The owner is to be notified by certified, return receipt requested mail. In addition, notice of the public hearing shall be posted in at least two (2) public places, in accordance with RSA 676:4, I(d). The public notice shall state the time and place of such hearing along with a brief description of the locations of the proposed subdivision or site plan. Associated costs (mailing, publication, etc) related to the hearing shall be paid by the applicant.

SECTION 3 – The conduct of public hearings shall be governed by the following rules:

- A. The Chairperson shall open the hearing and identify the applicant or agent.

- B. The Chairperson shall read the application and report on the manner in which the public and personal notice was given.
- C. Members of the Board may ask questions at any point during the presentation.
- D. Any party to the matter who desires to ask a question of another party must go through the Chairperson.
- E. Any applicant, abutter, or person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Board at each hearing.
- F. Each person who speaks shall be required to state their name and address and indicate whether they are a party to the matter or an agent or counsel to a party to the matter.
- G. The applicant or agent shall be called to present the proposal and those appearing in favor of the proposal shall be allowed to speak.
- H. Those in opposition to the proposal shall be allowed to speak.
- I. Those neither in favor nor in opposition may speak.
- J. Other parties such as representatives of the Town Departments and other Town Boards and Commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing.
- K. The Chairperson shall indicate whether the hearing is closed or adjourned pending the submission of additional material or information or the correction of noted deficiencies.

SECTION 4 – Decisions: The Board shall render a written decision within sixty-five (65) days of the date of submission of a completed application, subject to the extension or waiver as provided in RSA 676:4.

- A. The Board shall act to approve, conditionally approve, or disapprove.
- B. Notice of the Decision will be made available for public inspection at the Planning Board Office within five (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 a written reason for this disapproval.

SECTION 5 – The records of the Board shall be kept by the Land Use Clerk and shall be made available for public inspection at the Planning Board Office as required by RSA 676:3, II.

- A. The minutes of the meetings including the names of the Board members, persons appearing before the Board and a brief description of the subject matter shall be open to public inspection within five (5) business days of the public meeting as required in RSA 91-A:4.
- B. A copy of the minutes of each Planning Board meeting shall be provided to each Planning Board member and alternate Planning Board member and will be posted at the Town of Nottingham Municipal Offices and on the Town website.

SECTION 6 – The Planning Board may hold joint meetings and hearings with other “land use boards” including the Zoning Board of Adjustment and Conservation Commission. Each Board shall have discretion whether or not to hold such joint meetings or hearings. Joint meetings shall be held in accordance with RSA 676:2.

- A. Joint business meetings with another local land use board may be held at any time when called jointly by the Chairpersons 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.

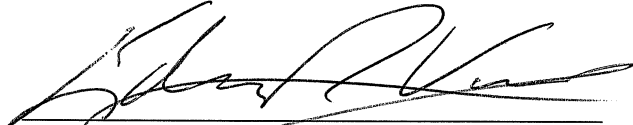
- C. The Planning Board Chairperson shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
- D. The rules of procedure for joint meetings and hearings, the subject matter of which involves the Planning Board, shall be the same as the rules of procedure for meetings and hearings except that the order of business shall be as follows:
  - 1) Call to order by the Chairperson
  - 2) Introduction of members
  - 3) Explanation for joint meeting
  - 4) Presentation of proposal
  - 5) Adjournment
- E. Each board involved in a joint public hearing make its own decision, based on its criteria for that particular matter.

SECTION 7 – Planning Board members shall only perform site walks that are scheduled by the vote of the Planning Board for a specific date and time.

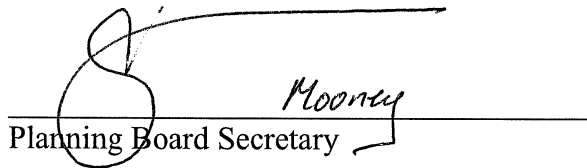
**ARTICLE XIII – Authorization**

By signing below, the Planning Board Members swear to have read these *By-Laws and Rules of Procedure* for the Transaction of Business and hereby certifies that they have received the most recent Town of Nottingham Zoning Ordinances and supporting documents.

DATE ADOPTED: June 27, 2007, May 21, 2008, June 3, 2009, April 21, 2010, April 13, 2011, March 21, 2012, May 8, 2103, March 19, 2014, March 25, 2015, March 23, 2016, March 22, 2017, March 14, 2018; May 13, 2020, May 11, 2022

  
\_\_\_\_\_  
Planning Board Chairperson

  
\_\_\_\_\_  
Planning Board Vice Chairperson


  
\_\_\_\_\_  
Planning Board Secretary

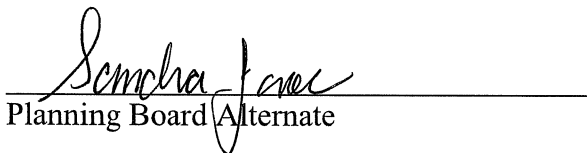
  
\_\_\_\_\_  
Planning Board BOS Representative

  
\_\_\_\_\_  
Planning Board Member

  
\_\_\_\_\_  
Planning Board Member

  
\_\_\_\_\_  
Planning Board Member

  
\_\_\_\_\_  
Planning Board Alternate

  
\_\_\_\_\_  
Planning Board Alternate

\_\_\_\_\_  
Planning Board Alternate

\_\_\_\_\_  
Planning Board Alternate

\_\_\_\_\_  
Planning Board Alternate