



Town of Moultonborough, New Hampshire
Approved by the Moultonborough Planning Board

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(Board of Selectmen's Representative)

Policy Regulations are current through the first scheduled meeting following town meeting. Inquiries should be made of Moultonborough Planning Board for revisions and deletions.

Date

June 28, 2023

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Moultonborough Planning Board Policies

The Purpose to these policies is for the Planning Board members, the Applicants, and the general public to know the duties of the members and to inform the applicants as to what is needed and expected of them. Also, for the public to know how the meetings will proceed.

1.0 Name

The name of the Board shall be "The Moultonborough Planning Board" as adopted by the Town Meeting of March of 1967.

2.0 Board Membership

- 2.1 Members: The Planning Board shall consist of seven members, six members elected by the legislative body and one Selectman, as ex-officio member with power to vote, appointed by the Board of Selectmen.
- 2.2 Alternates: Up to five alternate members may be appointed for three (3) year terms from the most recent Town Meeting date, by the Planning Board and in addition to these five, the Selectmen shall appoint one alternate to represent them if the regular member from the Board of Selectmen is absent.
- 2.3 Attendance: Members and alternates are expected to maintain regular attendance at meetings. An absence of four (4) consecutive meetings or a combined absence of seven (7) meetings within a twelve (12) month period may result in the member being requested to resign. Section 10.2 may be used if needed. A temporary medical or family situation may be considered an exception to the request.

3.0 Organization

- 3.1 First Meeting after Town Meeting: The Planning Board shall convene at the first scheduled meeting after the Annual Town Meeting. The meeting shall be called to order by the member present, who is the most senior member in the number of consecutive years of service.
- 3.2 Election of Officers and Meeting Appointments: At this meeting, the Board shall organize for the election of one of its members as Chair and one of its members as Vice Chair/Secretary, each for a term of one year.
 - 3.2.1. Alternate members may not hold officer positions.
 - 3.2.2. Ex-Officio members may not hold officer positions.
- 3.3 Appointments to committees and ex-officio members to other boards shall be made at this meeting.
- 3.4 These Moultonborough Planning Board Policies will be reviewed at this meeting. The Policies may be amended any time during the year by majority vote of the Planning Board at a regular meeting.

4.0 Meetings

- 4.1 Regular Meetings shall be held monthly on the second and fourth Wednesdays starting at 7:00 PM at the Moultonborough Town Hall, unless otherwise determined by a majority vote of the Planning Board. All efforts will be made by the Chair to not begin any new hearings after 9:30 PM and to conclude the meetings by 10:00 PM, unless otherwise agreed upon in advance.
- 4.2 At the request of three members of the Planning Board, a Special Meeting shall be called by the Chair within seven days of such request.
 - 4.2.1 The Chair shall select the date, time, and place of the Special Meeting.
 - 4.2.2 Normal public notification procedures will be adhered to for any such meetings.
- 4.3 A regular meeting may be postponed by the Chair if requested by three voting members and all members notified. At least one regular meeting must be held every month in accordance with the New Hampshire Revised Statutes Annotated (RSA).
- 4.4 Four voting members shall constitute a quorum for the transaction of business, but a lesser number may meet and adjourn.
- 4.5 In the event a legally noticed meeting must be cancelled, the cancellation will be posted on the door of the town hall and on the Town's website. Items on the agenda for the night of the cancelled meeting will be rescheduled for the next legally noticed session without further notice.
- 4.6 It shall be the practice of the board members and alternates to contact the Land Use Department, either by phone or e-mail, if they are unable to attend a regularly scheduled meeting prior to that evening's meeting.

5.0 Site Visits

- 5.1 Permission of the property owner is required (e.g., "Authority for Inspection or Examination of Land" form), otherwise members are trespassing on private property.
 - 5.1.1 If board members permission is refused, the board may deny an application for failure of the applicant to allow the board to get sufficient information.
 - 5.1.2 If the applicant refuses access to the non-board public, during a public noticed meeting site visit, that also may be a basis for denial (without prejudice).
- 5.2 Individual board members may visit a site (with permission).and, as long as there is no quorum of the board, the Right-to-Know law does not apply (public meeting and minutes requirements).
- 5.3 If a quorum attends a site visit, it is a 'meeting' under the Right-to-Know law. Notice is required, as well as minutes. All questions shall be directed to the Chair, but discussion is withheld until the next regular board meeting.

6.0 Order of Proceedings

6.1 At each regular meeting, the order of proceedings shall be as follows:

- I. Call to Order
- II. Pledge of Allegiance, Introductions, Seat alternate(s)
- III. Approval of minutes of the last meeting
- IV. Citizen's Forum
- V. New Submissions
- VI. Boundary Line Adjustments
- VII. Hearings
- VIII. Other Business/Correspondence
- IX. Committee Reports
- X. Project Updates
- XI. Adjournment

6.2 A motion shall be carried by a majority of members present and voting in the affirmative, unless otherwise specified or required by law. A tie vote constitutes failure of the motion.

6.3 Any rule or regulation contained herein, not required by law may be suspended at any meeting, until the next meeting, or for a shorter period of time by a vote of two-thirds of the members present.

6.4 Citizen's Forum: Topics shall be material that directly relates to the Planning Board or planning issues (but not on the scheduled agenda for the evening) and should be limited to five minutes (unless extended by the Chair).

7.0 Procedures for Application Acceptance

7.1 Prior to a vote to accept an application that is before the Board, the Board shall determine if the application has a regional impact or the potential for one. The Board shall use the Land Use Department Checklist for Determining Developments of Regional Impact (RI) as an aid in deliberating regional impact status (developed using RSA 36:55). Any doubt about RI, shall be determined in the affirmative.

7.1.1 If affirmative,

7.1.1.1 Potentially affected municipalities and the Lakes Region Planning Commission must be notified 14 days in advance of a scheduled hearing.

7.1.1.2 The Planning Board shall furnish, by certified mail, within five (5) business days, LRPC and the affected municipalities with copies of the meeting minutes, documenting the decision. LRPC shall be provided an initial set of plans, the cost of which shall be borne by the applicant.

- 7.1.1.3 The Planning Board shall afford the Lakes Region Planning Commission (LRPC) and the affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.
 - 7.1.2 If Negative, the Board may move to discussion on the application's completeness.
- 7.2 Procedure for determining an Application's completeness:
 - 7.2.1 In accordance with RSA 676:4, I(b) all materials required to constitute a complete application must be submitted to the Land Use Office at least 21 days prior to the public hearing at which it will be considered for application acceptance, however the Land Use Office shall establish its own administrative deadlines, which may exceed 21 days, in order to accommodate necessary administrative processes. Revised information of any type should be provided in writing to all board members and alternates prior to the hearing to allow board members time to study, research and formulate questions.
 - 7.2.2 Material received after 9:00 AM on the Thursday prior to the hearing may be tabled until the next meeting, however the Board may determine at any time that it needs more time to review any information.
 - 7.2.3 At the hearing, the Chair shall ask the Planner for a recommendation on the completeness of the application, the input of the Technical Review Committee (TRC), and the need for consideration of any waivers.
 - 7.2.4 Waiver requests having a direct effect on the possible completeness shall be taken up prior to the vote on application completeness.
 - 7.2.4.1 The applicant shall provide information regarding the waiver request.
 - 7.2.4.2 The Public may address questions and comments to the Chair about the waiver request.
 - 7.2.4.3 The Board may address questions through the Chair to the applicant, staff, or others about the waiver request.
 - 7.2.4.4 A motion shall be required for each waiver request (unless withdrawn), followed by a vote by the Board.
 - 7.2.5 Waiver requests that do not have a direct effect on the possible completeness (e.g., requests for waiver of technical standards of the Site Plan and Subdivision Regulations) will be taken up later in the proceedings.
 - 7.2.6 Taking into consideration the outcome of the waiver requests affecting application completeness, the recommendation of the Planner and each member's own assessment regarding satisfaction of completeness requirements, a vote shall be taken on application completeness. If additional material is needed, the applicant will be provided an opportunity to waive the 30-day application acceptance requirement (per RSA 676:4,I(c)(1)) until the additional material can be presented per timing of 7.2.2.

7.2.7 In the event the Planning Board denies a request for a waiver submitted with an application, then such application shall not be deemed complete for jurisdictional purposes until the item or information not waived has been submitted.

8.0 Procedures for Conduct of Public Hearings

The conduct of public hearings before the Planning Board shall be governed by the following rules:

- 8.1 All presentations should be limited to highlights of key points.
- 8.2 Time limits may be imposed by the Chair prior to the start of the hearing with extended time provided for the applicant's presentation.
- 8.3 The Chair shall call the hearing in session, read the application, and ask that the applicant or agent identify themselves.
- 8.4 The applicant or agent shall present the proposal.
- 8.5 Members of the Board including alternates (whether seated or not), may ask questions at any point during the presentation.
- 8.6 Any party to the matter who desires to ask a question of another party must address their question to the Chair to avoid cross questioning between abutters and the applicant.
- 8.7 Any applicant, any abutter or any person with a direct interest in the matter may testify in person or in writing.
- 8.8 Each person who speaks shall be required to state his/her name and address and indicate whether they are a party to the matter or an agent or counsel to a party in the matter. All comments shall be directed to the Chair.
- 8.9 The Chair then gives the applicant or agent an opportunity to address the concerns and comments and/or clarify any issue raised.
- 8.10 The Chair shall take up remaining waiver requests, as identified in Section 7.2.5, which were not addressed when determining application completeness (e.g., requests for waivers of technical standards of the subdivision and site plan review regulations), if any, and including the reason for acceptance or denial.
 - 8.10.1 The applicant shall provide information regarding the waiver request.
 - 8.10.2 The public may address questions and comments to the Chair about the waiver request.
 - 8.10.3 The Board may address questions through the Chair to the applicant, staff, or others about the waiver request.
 - 8.10.4 A motion shall be required for each waiver request (unless withdrawn), followed by a vote by the Board.
- 8.11 The Chair shall ask for a motion and a second, to be made by any seated voting member of the Board regarding the proposed application.

- 8.12 The Board may then initiate a discussion on the motion. Additional questions to the applicant or staff may occur at the discretion of the Chair
- 8.13 The Chair calls for a vote on the motion. A simple majority vote carries the motion on the proposed application.
 - 8.13.1 If affirmative, list the conditions of approval. Statements of fact shall be included within the discussion or the motion.
 - 8.13.2 If negative, detailed listings of reasons shall be included.
- 8.14 In the event a hearing is tabled pending the submission of additional material or information or the correction of noted deficiencies, additional notice is not required if the date, time, and place of the continuation is made known prior to the adjournment of the current Planning Board meeting.

9.0 Duties of Officers

- 9.1 The Chair shall call the meeting to order, preside over the deliberations, and see that all proceedings are in accordance with the rules of the Town of Moultonborough and the laws of the State of New Hampshire.
 - 9.1.1 The Chair may appoint another member of the Planning Board or a seated alternate member of the Planning Board as Chair pro tempore, to preside over the deliberations of a meeting or of a specific hearing and see that all proceedings are in accordance with the rules of the Town of Moultonborough and the Laws of the State of New Hampshire.
 - 9.1.2 The Chair shall present, assisted by the Vice Chair/Secretary, a yearly report.
 - 9.1.3 The Chair may appoint committees of resident citizens including one member of the Planning Board who shall act as Chair of such committee.
 - 9.1.4 The Chair shall perform other duties incumbent upon the presiding officer.
 - 9.1.5 In the absence of the Chair and Vice Chair, a Chair pro tempore shall be elected by the members present.
- 9.2 The Vice Chair/Secretary shall cause to be kept a full and accurate record of proceedings of all meetings.
 - 9.2.1 At each meeting, the Vice Chair/Secretary shall record the names of members present.
 - 9.2.2 The Vice Chair/Secretary shall issue notices of all meetings and notify all committees of their appointment.
 - 9.2.3 The Vice Chair/Secretary shall conduct correspondence and fulfill such duties as the Chair may specify.
 - 9.2.4 The Vice Chair/Secretary may cause all of the above duties to be performed by Land Use Department staff and overseen by the Vice Chair/Secretary, except when the Planning Board is conducting a non-public session.

- 9.2.5 In the absence of the Chair, the Vice Chair/Secretary shall act as Chair and shall exercise authority as set forth herewithin.

10.0 Code of Conduct

10.1 Conflict of Interest

- 10.1.1 In accordance with RSA 673:14, no Planning Board member shall participate in deciding or hearing any question which the Board is to decide in a judicial capacity if that member;
- 10.1.1.1 Has a direct personal or pecuniary interest in the outcome which differs from the interests of other citizens or if
- 10.1.1.2 That member would be disqualified for any cause to act as a juror upon a trial of the same matter in any action at law.
- 10.1.2 When uncertainty arises whether a Board member should step down for a particular hearing, at the request of that member or another member of the Board, the Board may take an advisory and non-binding vote prior to or at the commencement of any public hearing.
- 10.1.3 If a Board member steps down, the member shall physically remove him or herself from the Board for all hearings pertaining to that application.
- 10.1.4 An alternate, if available, shall be appointed by the Chair to take the Board member's place for that hearing.

10.2 Removal of a Board Member

If by a majority of the entire Planning Board, the permanent removal of a member is deemed appropriate, for reasons provided in RSA 673:13, it shall be so recommended by written notification as also specified in RSA 673.13

10.3 Public Statements

- 10.3.1 Any questions, statements or inquiries directed to a Board member concerning threatened or actual litigation against the Planning Board or any applicant shall be referred to the Chair without comment.
- 10.3.2 No Planning Board member or alternate, other than the Chair shall represent said Planning Board in any official or unofficial statements to the media, on social media, to persons at public or private functions or at any public hearings, unless such member or alternate is so designated by the Chair or the Board.

10.4 Communication between board members

- 10.4.1 Any Communication, in whatever form, outside of a public meeting among a quorum of planning board members, which communications bear upon matters over which the planning board has supervision, control, jurisdiction or advisory power are prohibited. Such prohibition includes: Any sequential communications among a quorum of planning board members, in accordance with RSA 91-A:2-a, except for:
- 10.4.1.1 Notification and reminders of meetings.

- 10.4.1.2 Transmission, without comment, of documents, information, or materials, which are part of the public record.
- 10.4.2 Board Members are NOT to use "Reply all" when replying to e-mails sent from the Land Use office. Doing so runs the risk of holding a meeting via e-mail which violates the Open Meeting provisions of RSA 91-A.

11.0 Recording Media/Minutes/Plans

- 11.1 Pursuant to RSA 91-A, draft minutes of meetings of the Planning Board will be available within 5 business days of a Public Meeting or within 72 hours of a non-public session.
- 11.2 All regular meetings and work sessions of the Moultonborough Planning Board will be recorded on commonly used recording media.
- 11.3 The recordings of the meetings shall be retained for a minimum period of five years.
- 11.4 The version of the typed minutes approved by the Planning Board, of each regular meeting and work session will be retained permanently.
- 11.5 All recordings, minutes and correspondence which are part of the public record will be available for review as per the requirements of the Moultonborough Planning Board and applicable law.
- 11.6 Plats shall be registered at Carroll County Registry of Deeds by the Land Use Office only. All conditions precedent shall be met before plats are signed.

12.0 Multiple Land Use Boards Involved

The following procedures apply if more than one Land Use Board approval or recommendation is required;

- 12.1 Any application involving the use of land in the Town of Moultonborough that requires approval or a recommendation by more than one Land Use Board may apply in any order or concurrently to said Land Use Boards.
- 12.2 Approvals may be obtained from each Board conditionally upon the need for any other required approval or permit.

13.0 Seating of Alternates

- 13.1 Alternates shall be seated by the Chair on a rotating basis, regardless of seniority with the following exception:
 - 13.1.1 If the Board defers action on an application to a later date, and schedules a date for continuance, then for purposes of continuity and fairness to an applicant, if an alternate is needed, the Chair shall seat the alternate that originally sat on the preceding hearing when available.
 - 13.1.2 Returning elected Board members shall attest to their review and understanding of the case to date.

13.1.3 All alternates are encouraged to participate in hearings but can only vote if they have been seated.

13.2 Alternates who are qualified to hear a case may stay at the table even though they are not seated as full voting Board members for a particular hearing.

14.0 Attorney Communications

14.1 Only the Chair, or those authorized by the Board, are authorized to communicate with Town Counsel.

14.2 Wherever appropriate, all members of the Board shall be advised of such communications.

14.3 All such communications, regardless of the method of communication, are subject to the standard attorney —client privilege.

14.4 Consultation with Legal Counsel is exempted from Open Meeting requirements pursuant to RSA 91-A: 2 I.

15.0 Subject Matter Experts

The Chair or Vice Chair may invite experts to attend a forthcoming hearing to lend expertise without authorization from the board at a public meeting.

16.0 Signing of Ancient, Unapproved Plats of Subdivision

When it is necessary to register an ancient, unapproved subdivision plat, the words, "The Signing of This Plat does not constitute Approval of this Plat by The Moultonborough Planning Board. This is only for the sake of improving Land Records," shall be written on the plat to be recorded.

17.0 Regulation Change Procedure

The Master Plan, Driveway, Earth Excavation, Subdivision and Site Plan Review Regulations may be amended pursuant to RSA 675:6.

18.0 Public Request for Information

18.1 Upon request of a member of the public for any public record reasonably described, the Land Use Department Staff, acting as the Planning Board's agent, shall, as their work and responsibilities allow, make immediate search for such record, and when such records are immediately available for release, make the records available for inspection and copying.

18.2 If the public record is not available for immediate inspection and copying, or if the Board's agent is unable to provide such record, the person requesting the record may make a written request, reasonably identifying the record. The Board's agent will respond to such written request as soon as possible, but in any event within five (5) business days, either by making the record available and notifying the applicant, or by making written denial of the request with reasons.

- 18.3 If the records being requested are voluminous, or if specifically identified documents will be difficult to locate immediately, the Board's agent may request that the applicant make an appointment to review the documents or to locate the documents, in which event such appointment shall be scheduled within five (5) business days, and the documents to be reviewed or examined shall be made available for the applicant at the time of appointment.
- 18.4 Applicants desiring copies of records may request the Land Use Department staff to make copies, or transmit said records by electronic means for them, at the applicants' expense, according to a posted fee schedule.

19.0 Moultonborough Land Use Department Staff

- 19.1 The Land Use Department Staff shall provide assistance to the public, consulting engineers, architects, lawyers, and developers referring them to applicable rules, regulations and statutes pertaining to planning and zoning.
- 19.2 The Land Use Department Staff shall also coordinate the activities of the Planning Board; establish the Planning Board Agenda for scheduled meetings; attend and provide relevant information and be allowed to participate in the Planning Board meetings and hearings.
- 19.3 The Land Use Department Staff shall review all applications to the Planning Board for completeness and accuracy in accordance with appropriate Land Use Board regulations.
- 19.4 The Land Use Department Staff is authorized to sign abutter notification letters and similar documents pertaining to applications made to the Planning Board, including the processing of comment sheets from:
 - 19.4.1 Police Department,
 - 19.4.2 Fire Department,
 - 19.4.3 Dept. of Public Works
 - 19.4.4 Conservation Commission,
 - 19.4.5 Heritage Commission,
 - 19.4.6 Code Enforcement Officer,
 - 19.4.7 Other Town experts as needed.
- 19.5 The Land Use Department Staff shall insure the maintenance of accurate and complete records of Planning Board activities and of records relating to applications, plats, maps, blueprints, and other pertinent documents

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