

**Orford Planning Board**  
**RULES OF PROCEDURE**

**AUTHORITY:**

These rules of procedure are adopted under the authority of the laws of the State of New Hampshire. (RSA 676:1)

**NAME:**

This organization shall be known as the Orford Planning Board and may be referred to as “the Board.”

**OBJECTIVES:**

The Planning Board shall regulate the development of the Town through preparation and amendment of a Master Plan and Zoning Ordinances, through Subdivision Regulations, Site Plan Reviews, Capital Improvements Program, and other means in accordance with the laws of the State of New Hampshire. (RSA 674.1)

**MEMBERS AND ALTERNATES:**

1. Composition:

- a. The Board shall consist of six resident members elected at Town Meeting and one ex-officio Selectboard member chosen by the Selectboard. (RSA 673:2 II.)
- b. Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673.
- b. Up to five alternate members shall be appointed by the Planning Board as non-voting members and shall be designated by the Board Chair to act in an absent or recused member’s place. (RSA 673:6). The Selectboard will designate one select board member as the ex-officio member alternate
- c. Up to two Board members may serve on other local boards or commissions, except that only one member may serve on the Selectboard, Conservation Commission, or other local land use board. (RSA 673:7)

2. Term:

The term of office for a Planning Board member or an alternate shall be three years, except that the term of the ex officio Selectboard member and alternate shall be decided by the Selectboard in accordance with the Laws of the State of New Hampshire. (RSA 673:5)

3. Vacancies:

Vacancies shall be filled at the time of their occurrences by Planning Board appointment until the next regular municipal election at which time a successor shall be elected to either fill the unexpired term or start a new term, as appropriate. If the vacancy is for an ex officio member, the chair may only designate the person who has been appointed to serve as the alternate for the ex officio member. (RSA 673.12)

4. Duties and Responsibilities of Members:

- a. To attend meetings on a regular basis

- b. To visit sites of proposals being considered by the Board
  - c. To vote on all motions except in those cases where the member has a conflict of interest or is disqualified for any cause as found in the laws of the State of New Hampshire (RSA 673.14)
  - d. To be familiar with the regulations of the Town of Orford and with the enabling legislation of the State of New Hampshire
  - e. To educate themselves with appropriate and available trainings by the State of New Hampshire
  - e. To dismiss alternates for neglect of duty, inefficiency, or malfeasance in office (RSA 673.13)
  - f. To amend the Town Master Plan to guide the development of the municipality
5. Duties and Responsibilities of Alternates:
- a. To attend meetings on a regular basis
  - b. To visit sites of proposals being considered by the Board
  - c. If appointed to fill a vacancy during a meeting, to vote on all motions except in those cases where alternate has conflict of interest or is disqualified for any cause as found in the laws of the State of New Hampshire (RSA 673:14)
  - d. To be familiar with the regulations of the Town of Orford and with the enabling legislation of the State of New Hampshire
  - e. To participate in meetings of the Board as a nonvoting member (RSA 673:6, V)

6. Disqualification from a Meeting or Hearing:

If any member finds it necessary to be disqualified or recused from sitting on a particular case, as provided in RSA 673:14, she/he shall notify the Chair as soon as possible so that an alternate may be requested to fill the member's place. The disqualification shall be announced by either the Chair or the member before the discussion or the public hearing begins. The member disqualified shall leave the Board table during all deliberations and the public hearing on the matter.

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 other than Board members.

7. Removal of Members and Alternates from the Board:

If a member or alternate misses three consecutive meetings, the Chair may ask for a resignation from the Board.

Regular and alternate members may only be removed from a Board after a public hearing on the matter to determine inefficiency, neglect of duty, or malfeasance in relation to a Board member's duties as a member. (RSA 673:13)

## OFFICERS:

1. Election, term, and vacancies:
  - a. The officers of this organization shall be a Chair, a Vice-Chair, and any other officer as the Board deems necessary. (RSA 673:8)
  - b. The term of office for each officer shall be one year or until a successor is elected. Ex officio members are prohibited to serve as chair. (RSA 673:9)
  - c. Election of officers will be held at the first meeting in March.
  - d. Any vacancy shall be filled by majority vote of the Board at the time of its occurrence.
  
2. Duties and Responsibilities
  - a. The Chair shall preside over all meetings and hearings, shall appoint committees as directed by the Board, shall affix their signature in the name of the Board and shall set the agenda for each meeting.
  - b. The Vice-Chair shall preside in the absence of the Chair and shall have full power of the Chair on matters which come before the Board during the absence of the Chair.
  - c. If the Chair and Vice-Chair are both absent or abstaining and despite their absence a quorum is found to be present, the Board will choose one of its members to act as Chair.

## MEETINGS:

1. Types of meetings and notification:

Public notice for a public meeting must be given at least 24 hours in advance, not including Sundays or holidays; include the date, time, and place of the meeting; and be published in a newspaper or posted in two prominent public places in the municipality, one of which may be the public body's official website. The agenda and basic information for attending to the business at hand shall be distributed to the members prior to each meeting.

*Regular Meetings:* The Board shall hold at least one regular meeting in each month (RSA 673:10). The regular Orford Planning Board meeting is the second Tuesday of each month at 5:30 PM at the Town Offices or as deemed necessary.

*Special Meetings:* A special meeting may be called at the discretion of the Chair to address urgent matters that cannot wait until the next regular meeting. In the Chair's absence, a special meeting may be called by the Vice-Chair or at the request of three Board members.

*Nonpublic Sessions:* Public bodies shall not meet in nonpublic session except for the purposes allowed in RSA 91-A:3 such as consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present. Minutes will be provided to the public as described in the RSA.

*Emergency Meetings:* As permitted by RSA 91-A:2, II, an emergency meeting can be held with less than 24 hours' notice when the chair determines that immediate, undelayed action is imperative. Notice of an emergency meeting shall be provided as soon as practicable and employ other means that are reasonably available to inform the public that a meeting is to

be held. The minutes of the emergency meeting shall clearly spell out the need for the emergency meeting.

2. Quorum:

A simple majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular members (RSA 673:10 III) Absent members cannot vote by proxy or by some communication to the Board such as a letter or e-mail. Members may be allowed to participate in meetings by telephone or video conference when physical attendance is not reasonably practical, so long as a quorum is still physically present at the advertised meeting location.

3. Voting procedures:

- a. Decisions shall be made by majority of those members present and voting.
- b. When the vote in question is evenly divided, the question shall be deemed to have been defeated with reasons stated.

4. Conduct of meetings:

- a. The Chair, with the concurrence of the Board, shall establish the procedure and order of business at each meeting and each hearing.
- b. The Board is required to determine if an application is a “development of regional impact” (RSA 36:54). If so, a hearing notification to neighboring municipalities and to the regional planning commission must be made 14 days in advance and representatives of those entities will have the right to testify.
- c. A part of each regular meeting shall be devoted to public comment.
- d. A lengthy letter to the Board may not be allowed to be read by the submitter if copies have been issued to the Board members. It can be explained that the Board members will read the letter, and it is already part of the record. They may be given 2-3 minutes to highlight important points. This is at the discretion of the Chair.
- e. No new cases shall be addressed by the Board after 6:30 PM.
- f. All meetings will be held with the utmost consideration for all the people involved. If a discussion becomes argumentative, or threats or implications are made of taking the case to court, the meeting may be immediately adjourned by the Chair and continued to another time.
- g. All present alternates are encouraged to participate in discussion.

5. Minutes of meetings:

- a. A record of those present and of action taken at all meetings shall be kept. All votes taken shall be recorded, noting those in favor and those opposed to the motion.
- b. The previous meeting minutes shall be read and approved or amended at the beginning of each meeting. Minutes shall be approved by voting members and alternates attending the meeting in question.
- c. Minority opinions shall be recorded at the discretion of the Chair or by majority vote of the Board.
- d. Minutes must be available to the public at the Town Offices no less than five business days after the meeting or vote.

7. Records:

Records of all meetings, transactions, and decisions of the Board shall be maintained in the offices of the Town of Orford. E-mails can be documents of record.

8. Board Communications:

Board members need to be careful not to unintentionally create a meeting. A “meeting” occurs whenever a quorum of board members convenes in person, by phone, or by any electronic means to discuss or act upon a matter over which the board has supervision, control, jurisdiction, or advisory power. A discussion alone is enough to make a meeting; the board does not have to make a decision in order to be involved in a public meeting. All meetings of the planning board are subject to the NH Right to Know Law, RSA 91-A.

SITE VISITS:

The Board will obtain permission from the property owner to visit the site. If the permission is refused, the Board may deny the application for failure of the applicant to allow the Board to get sufficient information. 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). If a quorum attends a site visit, it is a “meeting” under the Right-to-Know law and notice as well as minutes are required. Since it is a meeting, a site visit must also provide for the public to attend and observe. If the applicant refuses access to the non-Board public, that also may be a basis for denial (without prejudice).

PUBLIC HEARINGS: The conduct of public hearings shall be governed by the following rules:

1. The Chair shall call the hearing to session, identify the applicant or agent, and ask for the Planning Assistant’s or Secretary’s report on the proposal.
2. The Assistant shall read the application and report on the manner in which public and personal notice was given.
3. The Board considers completeness including waivers (if any). If the application is complete, the chair opens the public hearing for the applicant to make their presentation.
4. Members of the Board may ask questions at any point during the presentation.
5. Any party to the matter who desires to ask a question or another party must go through the Chair.
6. Any applicant, any abutter or any 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.
7. 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.
8. The applicant or agent shall be called to present the proposal, and those appearing in favor of the proposal shall be allowed to speak.

9. Those in opposition to the proposal shall be allowed to speak.
10. Other members of the public may speak.
11. Other parties such as representatives of 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.
12. The Chair shall indicate whether the hearing is closed.
13. Once the hearing is closed, the Board will deliberate and make a decision or continue the application 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 known to the public at the adjournment.

#### DECISIONS:

1. The Board shall render a written decision within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in RSA 676:4. If the Board does not act on the application within that 65-day time period (unless the Board has determined that the application is a development of regional impact, which gives the Board an additional 30 days), then the Selectboard is required to approve the application.
2. The Board shall act to approve, conditionally approve, or disapprove.
3. Notice of decision will be made available for public inspection at the Town Offices 5 business days after the decision is made, as required by RSA 676:3.
4. The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or 677:15, unless the court determines that there are other factors warranting the disapproval.

#### COMMITTEES:

Committees shall be appointed by the Chair as required by the Board; membership of committees need not be limited to members of the Board.

#### APPLICATION SUBMISSION REQUIREMENTS AND NOTICE:

1. A completed application shall be filed with the Board or its agent at least 21 days prior to the meeting at which the application will be accepted. (RSA 676:4 I. (b.))
2. No hearing will be scheduled for an application until each item on the application checklist has been addressed in writing, including but not limited to all engineering information, notification list with mailing addresses, required fees, and waiver requests. An application shall not be considered incomplete solely because it is dependent upon the submission of an application to or the issuance of permits or approvals from other state or federal governmental bodies; however, the Board may condition approval upon the receipt of such permits or approvals. Applications will be delivered to the Planning Assistant for initial review. The application will then be submitted to the Board at a noticed meeting for completion review and vote for acceptance within 30 days of application delivery.

(RSA 676:4)

3. Public notice of the submission of and public hearings on each application shall be given in the Valley News and posted in two public places in town not less than 10 days prior to the date fixed for submission and consideration of the application. Notice of submission of application may be combined with notice of the public hearing. The notice shall state that if the application is accepted as complete, it will be on the agenda of each regular Planning Board meeting until a decision is made.

**FORMS:**

All forms and revisions of forms, such as subdivision applications, shall be adopted by resolution by the Board and shall become part of these rules of procedure.

**OPERATING FUNDS:**

Funds for the conduct of business of the Board shall come from the revenues of the Town of Orford and from other available sources as determined by the Selectboard.

**AMENDMENTS:**

The rules of procedure may be amended by majority vote at any duly notified meeting of the Board, provided that proposed amendments are read at one meeting preceding the vote.

**VALIDITY:**

If any portion of these rules of procedure shall be held to be invalid for any reason by any court, such holding shall not invalidate in any manner any other provisions contained here.

**LEGALITY:**

If any portion of these rules of procedure shall be found to be in conflict with the laws of the State of New Hampshire, the State statute shall prevail.

**ADOPTED:** July 20, 2009  
March 19, 2012  
November 14, 2023