

STATE OF NEW HAMPSHIRE

GRAFTON, ss.

SUPERIOR COURT

Docket No.: \_\_\_\_\_

IN RE: TOWN OF ORFORD

2529 Route 29A  
Orford, NH 03777

**PETITION TO APPOINT THREE PLANNING BOARD MEMBERS PURSUANT TO  
RSA 673:12 AND RSA 673:10**

NOW COMES John Adams, a resident, voter, Selectman of the Town of Orford (the “Town”) who also serves as the Ex-Officio Member of the Orford Planning Board (the “Planning Board”), by and through the Town’s attorneys, Drummond Woodsum & MacMahon, and hereby petitions the Court to appoint three new members to the Orford Planning Board pursuant to RSA 673:12 and RSA 673:10. In support of the Petition, he says as follows:

1. The undersigned Selectman Adams is requesting **expedited** consideration of this Petition because of the urgency of the situation. The simultaneous resignation of all elected members of the Town’s seven-member Planning Board except for Selectman Adams leaves the Town without a “majority of the membership” of the Planning Board required to constitute a quorum to transact the business of the Planning Board under RSA 673:10, III. The Town needs the Court to appoint three Planning Board members to join Selectman Adams so that the Board will have four members (a “majority”) which can in turn act to appoint three further members under RSA 673:12, I to reconstitute a full Planning Board.

2. The Town of Orford is a New Hampshire municipal corporation in Grafton County.

3. The Town has a seven-member Planning Board. Pursuant to RSA 673:2, II(b) and RSA 673:5, II, six members are elected for three-year terms and the Board of Selectmen

appoints one of its members to serve as the seventh (ex-officio) member of the Planning Board. The Planning Board is charged with hearing and deciding applications for subdivisions and is required, under RSA 673:10, II, to meet at least once per month. A majority of the seven-member Planning Board (e.g., four members) is required for it to transact any business. RSA 673:10, III.

4. As of November 14, 2023, two of the six elected Planning Board positions were vacant. The other four elected positions were filled by Kenneth King (term expires 2024), Terry Straight (term expires 2025), Harry Osmer (term expires 2025), and Faith Knapp (term expires 2026). The ex-officio member was the petitioner, Selectman John Adams.

5. Harry Osmer submitted a letter of resignation to the Selectmen's office on November 14, 2023 which stated it was effective as of November 15. On November 24, Terry Straight submitted a letter of resignation which stated it was effective as of November 30. Kenneth King emailed his resignation to the Selectmen on December 3, effective immediately. Faith Knapp emailed her resignation to the Selectmen on December 4, effective immediately. It is unclear whether these resignations were coordinated.

6. As a result of the resignations of Members Osmer, Straight, King and Knapp, ex-officio member Selectman Adams is the only remaining member of the Planning Board.

7. Vacancies in the membership of an elected planning board are supposed to be filled by appointment by the remaining board members until the next regular election, at which time a successor is elected to fill the remainder of the unexpired term or a new term, as appropriate. RSA 673:12, I.

8. Mr. Adams is unable to carry out the duties of the Planning Board or to act alone to appoint new members to the Planning Board because he, alone, is not "a majority of the membership" of the Planning Board required for action under RSA 673:10, III. One immediate

consequence is that the Planning Board is unable to conduct the monthly meeting required under RSA 673:10, II, and cannot review or decide upon pending applications.

9. Mr. Adams, as a resident, voter, selectman, and the only remaining member of the Planning Board, files this petition to ask the Court to appoint the following three Town residents to fill three of the vacant elected positions:

- a. **Paul Goundrey:** As set forth in the accompanying affidavit of Selectman Adams, Town resident Paul Goundrey has volunteered to assist the Town in this emergency situation and fill Kenneth King's seat until the term ends at the 2024 annual town meeting and the Town is able to elect a new Planning Board member for a new three-year term. Mr. Goundrey has served multiple terms on both the Planning Board and the Board of Selectmen in Orford and is familiar with the responsibilities and functions of the Planning Board. *See* the accompanying Affidavit of John Adams.
- b. **Nancy Hanger:** As set forth in the accompanying affidavit of Selectman Adams, Town resident Nancy Hanger has volunteered to assist the Town in this emergency situation and fill Terry Straight's seat until the 2024 annual town meeting, at which time the Town will be able to elect someone to fill the remaining one year of the term. Prior to moving to Orford, Ms. Hanger served on the Planning Board and Board of Library Trustees in the Town of Auburn. She is familiar with the procedures and duties of the Planning Board and has significant professional experience working on committees and with the public. *See* the accompanying Affidavit of John Adams.
- c. **Martha Rose:** As set forth in the accompanying affidavit of Selectman Adams, Town resident Martha Rose has volunteered to assist the Town in this emergency

situation and fill Harry Osmer's until the 2024 annual town meeting, at which time the Town will be able to elect someone to fill the remaining one year of the term. Ms. Rose is a long-time resident of the Town with an interest in Town government service whose professional experience as a veterinary professional sales account manager has led her to develop good organizational skills and attention to detail. *See* the accompanying Affidavit of John Adams

10. Once these three residents are appointed as Planning Board members, they and Selectman Adams will be able to act together as a majority of the Planning Board and carry out the Planning Board's basic functions until the 2024 annual town meeting.

11. Because all of the current vacancies occurred prior to the filing period for the 2024 annual town election, all six elected seats will be on the ballot. If Selectman Adams and the other three members are able to find additional residents willing to fill the remaining three Planning Board positions prior to the 2024 annual town meeting, they will be able to act as a board to appoint them as provided in RSA 673:12. Alternatively, they may also wait until after the election at the 2024 town meeting to see if any vacancies remain at that point. If there are, the Planning Board (as it may be constituted after the 2024 election) can act to fill remaining vacancies.

12. Public notice of Selectman Adams's intent to file this Petition, as well as a copy of the Petition and supporting materials, has been posted on the Town's website, at the Town Office and at the local post office, as well as on the Listserv run by the Town. These are the customary methods of providing public notice of events relating to Town government.

13. The Orford Board of Selectmen supports this Petition and voted unanimously on December 13, 2023 to authorize John Adams to seek this Court's assistance with this matter.

**WHEREFORE**, the Petitioner, John Adams, respectfully requests that the Court:

- A. Take action on this Petition in an expedited manner;
- B. Deem that posting of the Petition at two conspicuous public places in the Town as well as on the Town's website and on its Listserv constitutes reasonable notice of the Petition;
- C. If the Court determines that a hearing is necessary, schedule a hearing as soon as possible and order that 24 hours' advance notice to the public of such hearing, posted at two conspicuous locations in the Town and on the Town website and Listserv, shall be sufficient notice of such hearing;
- D. Appoint Paul Goundrey, Nancy Hanger and Martha Rose to fill three vacant seats on the Orford Planning Board; and
- E. Grant such other and further relief as is just and equitable.

Dated this 22 day of December, 2023.

Respectfully Submitted,



**John Adams**

Selectman and Planning Board Ex-Officio Member

**TOWN OF ORFORD**

By the Town's attorneys,

/s/ C. Christine Johnston

C. Christine Johnston, NH Bar #13851

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## AFFIDAVIT of JOHN ADAMS

I, John Adams, being duly sworn, depose and say:

1. I am a resident and voter of the Town of Orford, New Hampshire. I reside at 299 Archertown Road, Orford, NH 03777.
2. I am also an elected member of the Orford Board of Selectmen and was appointed by the Selectmen to serve as the ex-officio member of the Orford Planning Board.
3. As of November 14, 2023, the Orford Planning Board had five members (four elected members plus me) and two vacant positions.
4. Between November 14, 2023 and December 4, 2023, all four elected members resigned.
5. I have sought the assistance of the other two Town Selectmen and other Town officials in identifying three people who could be appointed to the Planning Board to act with me to carry out the basic duties of the Planning Board until the election at the 2024 annual town meeting.
6. I have identified Paul Goundrey, Nancy Hanger and Martha Rose as worthy appointees to the Planning Board in this emergency situation to fill enough seats for the Board to operate until the 2024 annual town meeting.
7. I know Paul Goundrey to be a long-time resident of Orford who has served multiple terms on the Board of Selectmen and on the Planning Board. As a result, he is knowledgeable about the functions of the Planning Board and will be able to step into the position with minimal training.
8. Nancy Hanger has lived in Orford for more than 11 years. While she has not taken an active part in Orford's town government during that time, she was actively involved in her previous community's government. During her 24 years living in the Town of Auburn, NH, she served 4 terms as a Library Trustee and also served on the Planning Board. She ran for Auburn Town Council but was forced to withdraw due to a family emergency at that time. She is familiar with Planning Board procedures and duties and will be able to serve on the Orford Planning Board with minimal training.
9. Martha Rose has been an Orford resident since 1999 who has not served in Town government before but who has 33 years of business experience which have given her good organizational skills and attention to detail. She has indicated that she is prepared to devote the time and energy needed to step into the position and learn on the job.
10. All three of these individuals have expressed their interest and willingness to assist the Town in this time so that the Planning Board can fulfill its obligations.


11. The Orford Board of Selectmen supports the Petition filed with the Court and voted unanimously at its meeting on December 13, 2023 to authorize me to seek the Court's assistance with this matter.
12. I certify that I will cause a copy of this Affidavit and the Petition to appoint three Planning Board members to be posted at the Town Office, the local post office, and on the Town's website and Listserv.
13. With regard to all of the foregoing, I would testify the same under oath in court.

DATED this 22 day of December, 2023.

  
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John Adams

STATE OF NEW HAMPSHIRE  
COUNTY OF GRAFTON, ss.

On this 22<sup>nd</sup> day of December, 2023, before me, the undersigned officer, personally appeared John Adams, who swore that the foregoing affidavit was true to the best of his recollection, knowledge and belief.

  
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Notary Public/Justice of the Peace  
My commission expires: 10/13/2026

