

EFFINGHAM PLANNING BOARD RULES OF PROCEDURE
Adopted December 19, 2006, Amended March 7, 2019, May 21, 2026

Authority

These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (hereafter, RSA) 676:1.

General Duties

The general duties of the Effingham Planning Board shall include, but are not be limited to, periodic updates to the Master Plan, Zoning Ordinance, and Subdivision, Site Plan and Driveway Regulations; review of Boundary/Lot Line Adjustments, Mergers of lots, Subdivision of lots; review of minor and major Site Plans for nonresidential property; and any other function in accordance with the laws of the State of New Hampshire. RSA 674:1

Membership

1. As per RSA 673:2 the Planning Board shall consist of seven members: six elected by the Town, and one Selectmen annually designated as an ex-officio full voting member. All members must reside in Effingham, and all must take an oath of office. RSA 42:2
2. As per RSA 673:7 any two appointed or elected members of the planning board may also serve together on any other municipal board or commission, except that no more than one member of the planning board shall serve on the conservation commission, the local governing body, or a local land use board as defined in RSA 672:7.

Training

Training by the state planning office and municipal associations is encouraged for new and incumbent members, including lectures provided on new land use case law. RSA 673:3-a

Terms of Board Members

1. The term of elected members shall be three years, except in the case where one is elected to complete a term following a vacancy. The terms shall be staggered so that no more than two terms of regular members expire annually. RSA 673:5
2. Vacancies in the membership occurring other than through the expiration of a term of office shall be filled by appointment made by the remaining Board members. The term of the appointment expires at the next election. RSA 673:12

Appointment, Number and Terms of Alternates

1. The Planning Board may appoint up to five alternates to the Board, for a term of three years.
2. Alternates shall be appointed to serve on the board by a majority vote of the members. Any resident who wishes to serve as an alternate on the Planning Board should request such in writing to the Board, which will make the appointments based upon the applicant's qualifications, availability, and willingness to serve. RSA 673:6
3. Every Alternate member appointed to the Planning Board shall comply with all of the same membership requirements as regular members per RSA 673:7,l.

Officers and Administration

1. The offices of Chair, Vice Chair and Signing Secretary of the Board shall be elected annually at the first meeting following Town Meeting by a majority vote of the board. The ex-officio member shall not serve as Chair. RSA 673:9,II
2. The Chair is responsible for: presiding over all meetings and hearings, issuing written notices of decision on applications, preparing an annual report, appointing committees as directed by the Board, and affixing his/her signature in the name of the Board to all approved plans and all correspondence from the Board. In the absence of a Recording Clerk, the Chair or designee shall be responsible for posting agendas to all meetings (including by email to each member and alternate) and for posting the minutes to the public (in the town office binder) and to the Board.
3. The Vice-Chair shall preside in the absence of the Chair and have the full powers of the Chair on matters that come before the Board in the absence of the Chair.
4. The Signing Secretary shall sign, along with the chair, all plats/plans approved by the board.
5. A Recording Secretary shall take minutes at every meeting and public hearing of the board. Except as otherwise provided by law, minutes will be sent out to all members as well as be placed at the Municipal offices within 5 days after any meeting. The Recording Clerk shall keep a full and accurate record of the proceedings of all meetings and record the names of the members present and absent. This will be a paid position out of the Planning Board budget.

Members and Their Responsibilities

1. All regular and alternate members are expected to attend all meetings, work sessions, special meetings, public hearings, site visits, and all other functions that pertain to the planning board.
2. If a member cannot be present at any meeting, they shall notify the Chair prior to the meeting.
3. Members shall read the minutes emailed to them before each meeting in preparation for approval and prepare any business that was assigned to present at each meeting.
4. Members should attend classes and/or conferences to increase their knowledge and expertise with planning and zoning principles and laws to stay current with matters related to planning board issues.
5. Alternate Members have all the same duties of attendance, reading of minutes and training as regular members so that they are prepared to act on the board when appointed to do so.
6. a) Should a member be absent without excuse from 25% of the meetings in a year, the Board may vote to see if the member should be officially requested to review their ability to perform duties for the rest of the term.
6. b) Elected, appointed, or alternate members may be removed per RSA 673:13.

Meetings

1. Regular meetings shall be held at least monthly according to state statute and will be held at the Effingham town offices at 68 Schools Street. RSA 673:10
2. Public notice is required in order for the Planning Board to legally hold a meeting. Standing regular meetings or work sessions do not need to be specially noticed as long as the standing schedule is publicly posted, such as on the town website. Such notice shall be posted in at least two public places, one of which shall be the Town Offices and one of which shall include either the Effingham Public Library and/or the Town Website. RSA 91-a:2.

3. Special meetings may be called by the Chair or in her/his absence, by the Vice-Chair, or at the request of three members of the Board. Special meetings shall have posted notice (as specified in #2 above) that specifies its purpose and notice to each member is given at least 48 hours in advance of the time of such meeting excluding Sundays and legal holidays. RSA 91-a:2.

4. Nonpublic meetings shall be held only in accordance with RSA 91-a:3.

5. Quorum: A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular members. Except in an emergency, a quorum of the Board shall be physically present at the location specified in the meeting notice as stated in RSA 91-A:2, III (b). If any regular Board member is absent from a meeting or hearing, or disqualifies him/herself from sitting on a particular application, the Chairman shall designate one of the alternate members to sit in place of the absent or disqualified member. Such alternate shall have all the powers and duties of a regular member in regards to any matter under consideration on which the regular member is unable to act. The alternate should continue until the matter is completed; the regular member does not vote on that matter.

6. If any member finds it necessary to recuse him/herself from sitting on a particular case, as provided in RSA 673:14, they shall notify the Chair as soon as possible so that an alternate may be appointed to sit in their place. When there is uncertainty as to whether a member should be disqualified to act on a particular matter that member, another member of the Board, or a person with standing in the matter may request the Board to vote on the question of recusal/disqualification. Any such request shall be made before the public hearing gets underway. The vote shall be advisory and non-binding.

Disqualification shall be announced prior to or at the commencement of a public hearing by either the Chair or the member recusing his/herself. The disqualified member shall remove themselves from the Board table during the public hearing and during all deliberation on the case.

If a disqualified member would have standing as a member of the public, they may speak as a member of the public. Standing shall be determined by the Chair.

7. The Order of Business shall be as follows unless otherwise directed by the Chair:

- Call to order by Chair.
- Confirmation of quorum by the Chair/seating alternates as needed.
- Review of minutes of previous meeting(s)
- Conceptual Consultation
- Preliminary Design Review
- Applications/Reviews/Hearings on Subdivision/Site Plans/any other business before the Board
- Public Comment and Reading of communications directed to the Board.
- Other business
- Adjournment

8. A motion, duly seconded, shall be carried by an affirmative vote of a majority of members present. Voting may be by roll call, if requested for recording in the minutes.

PRELIMINARY DESIGN REVIEW

1. Applications for a Design Review Phase (RSA 676:4, II (b)) meeting with the Board shall be made on forms provided by the Board and shall be presented to the planning staff, Secretary of the Board or the Board's agent who shall sign and record the date of receipt.
2. Notice shall be given as required in RSA 676:4, I(d) 10 days before such application is submitted to the Board.
3. The plan shall include at a minimum the following items:

- a. A site location map placing the parcel in the larger context of the community;

- b. A site survey showing pertinent features of the site;
- c. An indication of any future subdivisions contemplated in or adjacent to the proposal;
- d. A topographic map of the area;
- e. Any soils information, such as permeability or boring data, that has been gathered; and
- f. A sketch showing the proposed layout of lots, streets, and recreation areas; watercourses; natural features and easements.
- g. The standards and location for the signature block signifying town's approval.

4. The board shall determine the conclusion of the Design Review Phase process and inform the applicant.

Application Review and/or Public Hearing

1. Applications before the Board shall be made on forms provided by the Board and shall be presented to the Planning Board Admin at least 21 days prior to the meeting at which the application will be reviewed or accepted

2. Application Review and/or Public Hearing: if combined, a public notice for Application Review and Public Hearing of an Application shall be given in a local newspaper and by posting in at least two locations - the Municipal Office, the Effingham Library and/or the Town Website - not less than ten (10) days prior to the date set for review of the application and/or public hearing. RSA 676:4

The notice shall include: "If the application under review is accepted as complete, a public hearing may follow immediately on the agenda of this and subsequent planning board meetings until a decision is made." The date of the public hearing must also be included on the notice.

3. Abutter Notice: notice shall be made by certified mail to the applicant, holders of conservation, preservation, or agricultural preservation restrictions, all abutters, and every professional whose seal appears on any plat submitted to the Board, not less than ten (10) days prior to the date fixed for review of the application to the Board. RSA 672:3

Public Hearings

1. The Chair shall call the hearing to order, identify the applicant or agent, verify the manner in which public and personal notice was given, and review for the attendees these rules of procedure for public hearings 2-8.

2. The Chair shall ask for the applicant or agent to orally present the proposal.

3. The Chair may recognize members of the Board to ask questions at any point during the hearing.

4. Any party to the matter asking a question of another party must go through the Chair. The Board is not obliged to answer questions.

5. Any applicant, any abutter, or any person with a direct interest in the matter may testify in person or in writing. Individuals wishing to speak must sign the Hearing Roster in advance providing their name and address.

6. Each person who speaks shall be required to state her/his name and address and indicate whether s/he is a resident and whether s/he is a party to the matter or an agent or counsel to a party to the matter.

7. Those with standing in favor of the proposal shall speak first followed by those with standing in opposition to the proposal, with time limits at the Chair's discretion.

8. Other persons may testify as permitted by the Board at each hearing either in person at the hearing or in writing prior to the hearing. Duplicative questions will not be entertained. Any material presented to the

Board as evidence shall become part of the public record and will not be returned.

9. The Chair shall indicate whether the hearing is closed or adjourned 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 prior to closing of the hearing and adjournment.

10. If an agent is appearing before the Board and the applicant is not present at the meeting, the board must have written authorization from the applicant stating that the agent has been appointed to represent the applicant at the hearing. If neither the owner of record, the applicant, nor a properly authorized agent is present at the hearing, the Board may vote to dismiss the application without prejudice, not to be re-filed with the Board for a period of six months, and all costs and fees forfeited.

11. Applications are presented in the order in which they are listed in the public notice for the hearing; however, the Board, in its discretion, may decide by majority vote, to hear, and deliberate upon and/or decide applications in a different order.

12. Public hearings may be digitally recorded in addition to written minutes by the Recording Clerk. If a copy of an audio record is requested, it will be done at the expense of the person requesting it (materials). The Planning Board is not responsible for transcribing recordings.

13. An applicant may elect to postpone a public hearing on his or her site plan or subdivision application to a future date if only six regular and/or alternate members are seated to vote. If an applicant chooses to proceed with less than seven members of the Board seated to vote, it shall not be grounds for an appeal of the Board's decision.

Notice of Decision

1. The Board shall act to approve, conditionally approve, or deny an application within 65 days of accepting an Application as Complete, subject to extension or waiver as per RSA 676:4,1(f).

2. A written Notice of Decision will be sent to the applicant and made available for public inspection at the Municipal Office within 5 days after the decision is made. If the application is denied, the Board shall provide the applicant with written reasons for the denial in accordance with RSA 676:3. The final written decision, with or without conditions, shall be kept on file.

3. 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 RSA 677:15, unless the court determines that there are other factors warranting the disapproval.

4. The Board or its designee shall take a copy of the Subdivision Mylar Plat(s) to the Registry of Deeds for recording. The Book & Page number shall be recorded on the paper plats and put in the minutes. Distribution of the plats shall be (4 total): 2 copies for the planning board (1 of which is the Mylar copy to file with the registry), 1 copy to the Assessing Technician, 1 to applicant.

Administrative and Meeting Records

1. The records of the Board shall be kept and shall be made available for public inspection upon request at the Municipal Offices in accordance with RSA 673:17.

2. All motions made and seconded must be recorded in the minutes, including the name of the individuals making and seconding the motions, along with the record of each individual Board member's vote should a roll call be requested.

3. Drafts of all minutes of the meetings of the Board, which shall be subject to review and amendment by the Planning Board at its next regularly scheduled meeting, including the names of Board members, persons appearing before the Board and a brief description of the subject matter, shall be open to public inspection within 5 days of the public meeting as required in RSA 91-a: 2, II.

Joint Meetings and Public Hearings

1. The Planning Board may hold joint meetings and public hearings with other land use boards including the Zoning Board of Adjustment and the Historic District Commission. Each board shall have discretion whether or not to hold such joint meeting or hearing. RSA 676:2

2. An applicant seeking a local permit may petition two or more land use boards to hold a joint meeting or public hearing when the subject matter of the requested permit is within the responsibilities of those land use boards. Each land use board shall also have the authority on its own initiative to request a joint meeting. RSA 676:2

3. Joint meetings and public hearings with another local land use board may be held at any time when called jointly by the Chairs of the two boards.

4. 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.

5. The Planning Board Chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board. RSA 676:2

6. The rules of procedure for joint meetings and public hearings, the subject matter of which involves the Planning Board, shall be the same as these rules of procedure except that the order of business shall be as follows:

- Call to order by the Planning Board Chair
- Introduction of members of both boards by the Chair
- Explanation of reason for joint meeting/hearing by the Chair
- The applicant shall be called to present his/her proposal.
- There shall be limited time allowed for public/abutter comments, if necessary
- Adjournment of the joint meeting

7. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter in accordance with RSA 676:2, III.

Amendment

These rules of procedure may be amended by a majority vote of the members of the Planning Board provided that such amendment is read at two successive meetings immediately preceding the meeting at which the vote is to be taken. The amended procedures shall be filed with the town clerk.

Severability

If any section, subsection, sentence, clause, or phrase of these Rules of Procedure is for any reason held to be illegal and invalid, such invalidity shall not affect the legality of the remaining Rules of Procedure.

Adopted

December 19, 2006

Amended

March 7, 2019 (Read Feb. 2 and 21, 2019)

May 21, 2026 (Read May 7 and 11, 2026)