



PLANNING BOARD

TOWN OF EAST KINGSTON, NEW HAMPSHIRE

Rules of Procedure

1.0 Authority

The East Kingston Planning Board first adopted Rules of Procedure on 15 August 1991 by virtue of the authority stated in New Hampshire [RSA 676:1](#), and subsequently revised. Revisions were thereby made and adopted by the Planning Board on 17 May 2007, 21 October 2010, 18 November 2010 and 17 November 2022 and are filed with the East Kingston Town Clerk for public inspection.

2.0 Membership and Terms

All prospective members and alternate members of the East Kingston Planning Board shall be residents of the Town of East Kingston ([RSA 673:1](#)). The East Kingston Planning Board shall consist of five (5) members and up to four (4) alternate members unless that number shall be changed by the New Hampshire State Statute, or by the Town of East Kingston legislative body. Four members shall be appointed by the Selectboard to three-year terms which shall be staggered so that no more than two (2) appointments occur annually, except when required to fill vacancies. The fifth voting member of the Planning Board shall be chosen by the East Kingston Selectboard, which shall designate one of themselves to serve as the ex-officio Planning Board member ([RSA 673:2](#)). The ex-officio member's term shall be determined by the Selectboard in accordance with [RSA 673:5](#).

3.0 Voting

3.1 Regular Members

All regular Planning Board members are entitled to a deciding vote for meetings and public hearings, unless they have recused themselves as an abutter to the public hearing or for conflict of interest.

3.2 Alternate Members

Alternate members may participate in meeting discussions and public hearings, but are not entitled to a deciding vote unless they have been appointed as a voting member by the Chair in the event of absence or recusal of a regular member.

4.0 Officers, Employees, and their Duties

In accordance with [RSA 673:8](#), the officers of the Planning Board shall be a Chair and a Vice Chair, and they shall be elected annually at the regular monthly meeting in April (or the first regular meeting following the March Town Election, so as to accommodate membership cycles. Officers shall be chosen by majority vote of those full members present. Both the Chair and Vice Chair shall be eligible for reelection ([RSA 673:9](#)).

4.1 Chair

The Chair shall conduct meetings and hearings, speak officially for the Board, and designate alternates to replace absent members at meetings and hearings. The Chair shall vote in all cases where he or she does not have a conflict of interest.

The Chair's signature is sufficient for signing plans and relevant Board documents.

4.2 Vice Chair

The Vice Chair shall act in the capacity of the Chair, as and when the need arises. The Vice Chair shall assist in the orderly conduct of Planning Board meetings, the execution of monthly agendas, and the tracking of Planning Board commitments and responsibilities.

4.3 Land Board Secretary

In accordance with [RSA 673:16](#), a Land Board Secretary may be employed to perform the administrative duties required of the Planning Board. The Chair shall direct the Land Board Secretary's performance of the administrative duties, and confer with the Vice Chair to ensure continuity. A complete description of the Land Board Secretary's position is outlined in Attachment A.

The Land Board Secretary shall ensure the safe-keeping of Board records and files, see that proper notice is given, attend to other administrative details, and in accordance with [RSA 91-A:2](#), shall keep minutes of any meeting to include the names of members appearing before the public bodies, and a brief description of the subject matter discussed and final decisions. The names of the members who made or seconded each motion shall be recorded in the minutes. Each member's vote on a question shall be recorded when Board unanimity is not obtained.

5.0 Conflict of Interest

No member of the Planning Board shall participate in deciding, or shall sit upon the hearing of, any question which the Board is to decide if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if the 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 ([RSA 673:14](#)).

When uncertainty arises as to the application of the above to a Board member in particular circumstances, the Board shall, upon the request of that member, or another member, 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 ([RSA 673:14 II](#)).

If a member is disqualified or unable to act in a particular case pending before the Board, the Chair shall designate an alternate to act in his or her place. If the disqualified member is the ex-officio, the vacancy can only be filled with a Selectboard appointee as required by [RSA 673:11](#). The Chair shall announce any disqualification before discussion in a public hearing begins. The disqualified member or alternate member shall then remove him/herself from the Board table until discussion or the hearing is completed.

6.0 Quorum

A majority of the membership of the East Kingston Planning Board shall constitute a quorum necessary in order to transact routine business at any meeting of the Board. Except in an emergency, a quorum of the Board must be physically present at the location specified in the meeting notice ([RSA 91-A:2 III \(b\)](#)). The Chair shall designate an alternate member, if any member is absent, or disqualifies him/herself from sitting for a particular application, and three (3) members of the present five (5) member Board shall constitute a quorum. Only an alternate chosen by the Selectboard shall sit in the place of the ex-officio member ([RSA 673:2](#)).

If in the event, a quorum of three members/alternate members must constitute the entire Board, a simple majority of a quorum of a 5-member Board (3 members) may take a decision on an application ([RSA 673:10](#)).

7.0 Training

[RSA 673:3-a](#) provides for the training of those who are assuming office for the first time. The training is to be made available by the New Hampshire Office of Strategic Initiatives, Planning Division within 12 months of appointment or election. Planning Board members are strongly encouraged to avail themselves of this offer of training, and any and all other training opportunities which may arise for their own professional development. Newly appointed members shall be required to attend formal training as soon as it is offered by the town's planning consultant, the Office of Strategic Initiatives, Planning Division, Rockingham Planning Commission, or other qualified agency.

8.0 Recruitment of Board Members

In light of the need for having a fully constituted Planning Board for all public hearings, it is incumbent on the members and alternate members to identify those residents of East Kingston who possess the interest and objective perspective necessary to participate as a Board member. When such an individual does express an interest, the individual should be encouraged to submit a letter of application to the Planning Board. The letter should include the reasons for such interest, and any qualifications that person might possess. Other strategies for member recruitment may also be considered.

Letters of application shall be presented to the Board by the Chair, and the interested person(s) encouraged to speak with the Board in person. The Board shall then discuss the person's suitability and make a written recommendation to the Selectboard regarding an appointment.

9.0 Scheduling of Meetings and Hearings

In accordance with [RSA 673:10](#), the regularly scheduled monthly Planning Board meeting shall be held at 41 Depot Road (unless another venue is deemed appropriate) on the third Thursday of the month at 7:00 PM. Should the meeting lack a quorum, or need to be rescheduled due to inclement weather, holiday, or other circumstances, the new hearing date will be held as soon as possible, with the new date and time posted at the East Kingston Town Offices, the East Kingston Post Office, and the Town's website. The Chair shall, at his/her discretion, set time limits for hearings for the purpose of time management. Lengthy meetings will be rescheduled, as soon as possible, at the direction of the Chair.

Additional meetings shall be scheduled as needs arise, and may be dedicated to subdivision or site plan review, training for members, and/or planning for changes to town ordinances, regulations, and planning documents. Meetings not involving public hearings need to have notices posted at least 24 hours in advance in accordance with [RSA 91-A](#); otherwise, [RSA 675:7](#) requires 10 days' notice for a public hearing.

The Chair may call special meetings, provided that at least forty-eight (48) hours' notice shall be given to each member before a meeting is held, and providing that each member is not out of town, or otherwise unreachable. The Chair shall be required to call a meeting within ten (10) days of receipt of a written request from any two (2) members of the Board.

10.0 Non-Public Sessions

The Planning Board may meet in non-public session, provided all the provisions of [RSA 91-A:3](#) are met ([RSA 673:17](#)).

11.0 Order of Business

- 11.1 Call the meeting to order, statement of time, and roll call
- 11.2 Designation of voting members
- 11.3 The regular scheduled hearing agenda as presented by the Chair
- 11.4 Hearing of new or proposed ordinances, regulations, studies, periodic reviews, etc.
- 11.5 Review and acceptance of minutes from previous meeting(s)
- 11.6 Board correspondence and other business
- 11.7 Review of the next meeting's proposed agenda and other new business
- 11.8 Adjournment

12.0 Submission of Applications and Notice of Public Hearing

The applicant must submit any proposed plan with the Board or its agent at least 21 days prior to the meeting at which the application will first be considered. A submission deadline calendar shall be posted to the Board's website and made available at the Town Offices. Upon receipt of a completed application for subdivision or site plan review approval, and in accordance with [RSA 676:4](#), the Board shall, at least ten (10) days prior to the next regular meeting date, notify the abutters to the applicant by certified mail, return receipt requested, of the date upon which the application will be formally submitted for acceptance. Notice to the general public shall also be given at the same time by posting in two public places as well as the town's website as required by the Subdivision and Site Plan Review Regulations. Applications of regional impact shall adhere to the procedures set forth in [RSA 36:57](#).

12.1 Formal Consideration Requirements

The Board shall begin formal consideration of an application within 30 days after submission of the completed application, and, at a public hearing, shall determine whether the application is complete in accordance with the East Kingston Subdivision and Site Plan Review Regulations.

12.2 Required Action on the Application

The Board shall act to approve, conditionally approve, or disapprove an application within 65 days after accepting jurisdiction of the plan, unless the applicant waives the 65-day timeframe as provided in [RSA 676:4](#). If the Board determines that it lacks sufficient information to make a final decision on an application and the applicant does not consent to an extension pursuant to [RSA 676:4, I \(f\)](#), the Board may, in its discretion, deny the application without prejudice, in which case the applicant may resubmit the same or a substantially similar application. Should the Board fail to act on the application within the 65-day time period, the Selectboard shall, within 30 days, certify on the

applicant's application, that the plat is approved. Failure of the Selectmen to certify approval of the plat upon failure of the Planning Board's failure to act within the required time period, shall constitute grounds for the Superior Court, upon petition of the applicant, to issue an order approving the application as provided under [RSA 676:4](#).

13.0 Procedure for Hearing the Agenda

13.1 Order on the Agenda

Applicants shall be scheduled in the order of the receipt of their applications, providing, however, that plans continued from a previous meeting will take precedence over new ones.

13.2 Call to order for each application hearing by the Chair

13.3 Presentation of the Plan

The applicant or a recognized agent shall present the plan to the Board ([RSA 676:4](#)). If the Board, through its administrative review has determined that the plan represents a completed application, it shall proceed with a public hearing for it within 30 days following the applicant's submission. If the Board finds that the plan meets all applicable town and state requirements, the Board shall vote to accept the plan for review (take jurisdiction), at which time the "65-day clock" will begin. If the Board determines the plan to be incomplete, the Board shall not take jurisdiction, and the applicant shall be advised as to what is required to make it complete.

13.4 Oral Presentation of the Plan

At the first public hearing on the proposal, the applicant shall present his or her plan to the Board. During this period, the applicant shall be allowed opportunity to present his or her plan without interruption.

13.5 Inspection by Abutters and Other Interested Parties

Once the Board has accepted the plan, abutters and interested parties will be allowed to come forward for a brief period, not to extend a total of ten (10) minutes, to look at the plan, and ask informal questions of the applicant.

13.6 Interrogation

Once presentation of the plan has been completed by the applicant and/or applicant's representative, Planning Board members shall be granted the opportunity to ask questions of the applicant, and if desired, to state reasons for support of, or reasons for opposition to the plan.

When the Board members have completed their inquiries, the Chair shall ask whether there be any abutters who wish to address any issues regarding the plan. Each person shall then be recognized, giving his/her name and address for the record, and permitted to address questions and comments through the Chair.

At this time the applicant will have an opportunity to withdraw his application should he so choose. Once all questions and comments have been answered, the Chair shall close the public hearing to allow the Board to deliberate. The Board shall conclude with a decision or give reasons to

recommend the applicant request a hearing to be continued to a specific date and time. The Chair shall then announce to the public the agreed date and time for the continued public hearing.

13.7 Decisions and Written Findings of Fact

All decisions shall be announced verbally by the Chair at the meeting. Additionally, the Board shall issue a final notice of decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. The Board shall make 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. If the application is not approved, the Board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the Board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

Whenever the Board votes to approve or disapprove an application or deny a motion for rehearing, the minutes of the meeting at which such vote is taken, including the written decision containing the reasons therefore and all conditions of approval, shall be placed on file in the Board's office and shall be made available for public inspection within 5 business days of such vote.

Whenever a plat is recorded to memorialize an approval issued by the Planning Board, the final written decision, including all conditions of approval, shall be recorded with or on the plat.

13.8 Revision of Plan

Substantial revision of the plan by the applicant, other than in response to requests from the Board, will be treated as a new application and necessitate withdrawal by the applicant or denial of the original plan.

14.0 Decisions Final

The decisions of the Board shall become final on the date set decisions are made, and duly recorded in the official minutes by the Land Board Secretary.

15.0 Rules of Procedures Revisions

These bylaws may be revised by first posting such revisions, along with the usual monthly postings of agenda and business, followed by a majority vote of the members present at a regular monthly meeting. Minor textual changes from the posting may be made at the meeting.

16.0 Final Posting of Rules and Procedures ([RSA 676:1](#))

These rules of procedure, once enacted, shall be filed with the East Kingston Town Clerk, and will be available for public inspection.

Attachment: A - Land Board Secretary Position Description