



Welcome to the Town of Ossipee Planning Board meeting.

AUTHORITY

Pursuant to RSA 676:1, the Ossipee, New Hampshire Planning Board adopts the following Rules of Procedure.

TITLE; ADOPTION; AMENDMENT

1. These rules may be cited as the Ossipee Planning Board Rules of Procedure.
2. These rules shall be adopted by a majority vote of the members of the Board provided that these rules are read at one (1) meeting immediately preceding the meeting at which the vote is to be taken.
3. The rules shall be effective upon adoption by a majority of the Board, signed by a majority of the Board and filed with the office of the Town Clerk.
4. These rules may be amended by a majority vote of the members of the Board provided that such amendment is read at one (1) meeting immediately preceding the meeting at which the vote is to be taken. The amended procedures shall be filed with the town clerk.

MEMBERSHIP; TERMS OF OFFICE; OFFICERS; VACANCIES; ALTERNATES

1. Pursuant to State Statute NH RSA 673:2, the Planning Board shall consist of seven (7) members. The Board of Selectmen shall designate one Selectmen as an ex-officio member with power to vote.
2. Except for the Selectmen's representative, all members shall be elected for three (3) year terms. The membership of the Board shall be appointed in such a manner so that 2 members shall be elected each year.
3. Terms of Office commence on April 1st and end on March 31st, three (3) years subsequent, provided however, that term shall continue until successors have been appointed and qualified.
4. The Planning Board shall elect the following officers from its members, provided; however, that the Selectman's ex-officio member shall not hold any office; Chairperson and Vice-Chairperson and a Secretary.
5. Officers shall be elected for one (1) year terms at the first regular meeting following April 1st of each year provided that the Selectmen have completed their appointment of new members. If said appointments have not been made, the election of officers shall take place at the first regular meeting following the appointment of new members.
6. Vacancies in membership in the Planning Board shall be filled by appointment per RSA 673:12 and approved by the Selectmen for the unexpired balance of the term of office.
7. As authorized under RSA 673:6, and authorizing vote of the Town, the Planning Board shall have three (3) alternate members, one appointed each year for three (3) year terms.
8. Members and alternate members of the Board are required to attend meetings of the Planning Board in order to be familiar with issues involved in pending Board business.
9. Alternate members of the Planning Board are expected to attend all meetings and sit with the regular members. Alternate members shall participate in all business and deliberations of the board as non-voting



members, excluding the making and seconding of motions unless appointed as indicated in Number 12 and 13 (below).

10. It is incumbent on every regular member of the Board to review agendas in advance of meetings and to advise the Boards & Commissions Secretary (non-elected position) when (i) they expect to be unable to attend, or (ii) when they expect to recuse themselves from an agenda item.
11. The Boards & Commissions Secretary (non-elected position) shall call and request the attendance of alternate members whenever it is advised that a regular member is expected to be (i) late, (ii) absent, or (iii) unable to participate in a given business item. See Rule 14 governing the selection of alternates to be present.
12. When a regular member of the Planning Board is required to recuse or disqualify himself/herself from a given application or proceeding, the Chairperson shall appoint one (1) of the alternates to replace him/her. Once designated for that business item, the appointed alternate shall have all the powers and duties of the replaced regular member as it relates to that business item. The designated alternate shall be responsible to verify when this matter is scheduled for further consideration by the Board and be present at that time.
13. When a regular member of the Planning Board is absent from a meeting, the Chairperson shall appoint one (1) of the alternates to replace him/her during some or all of the business items considered that meeting. (This language is intended to leave open the ability to appoint different alternates for different business items in the same meeting.) The designated alternate shall have all powers and duties of the replaced member for all business items considered. The same rule shall apply to members who are expected after the start of a meeting, except that the alternate shall yield back to the regular member upon his/her arrival.
14. The Boards & Commissions Secretary (non-elected position) duties include maintaining a list of alternates and business items in which the alternate participated, on behalf of the absent member. When a regular member (or a previously designated replacement alternate) of the Planning Board is absent from a meeting, the Chairperson shall appoint an alternate after consideration of the following factors: (i) the extent to which any alternate has previously participated in one or more of the items under consideration, (ii) the extent to which any alternate has previously been present during a presentation on one or more of the items under consideration, (iii) the rotation and balance of workload by and among alternate members.
15. The ex-officio selectmen member of the Board may only be replaced by the alternate designated by the Board of Selectmen.

DUTIES OF OFFICERS; MINUTES

1. The Chairperson shall preside over all meetings and hearings. Shall be responsible for the conduct and decorum of the meeting. The Chairperson shall have the responsibility to ensure that all parties receive a full and fair hearing before the Board and enforcement of the rules herein and applicable State laws.
2. The Vice-Chairperson shall preside over meetings and assume the duties of Chairperson in the absence of the Chairperson.
3. The Secretary shall preside in the absence of both the Chairperson and Vice-Chairperson or when the Chairperson must disqualify him/herself (per RSA 673:14).
4. The Boards & Commissions Secretary (non-elected position) shall be responsible for the maintenance of Board minutes and records.



5. Minutes of the Board meetings shall be kept in accordance with the provisions of RSA 91-A. Minutes shall be considered a summary of events and business transacted once adopted by the Board with any corrections noted.
6. All meetings of the Board, which are public hearings, are recorded by type or other electronic device and deleted or destroyed 30 days after the appeal period has passed, unless an appeal has been filed.

MEETING, SPECIAL MEETINGS, PLACE; HOURS

1. The Town of Ossipee Planning Board holds a regularly scheduled meeting the first and third Tuesday of each month, beginning at 7:00 pm.
2. Special meetings, workshops and site visits of the Board shall be held at the call of the Chairperson or by written request of a majority of the Board members.
3. Regular or special meetings of the Board may be recessed to a time and place certain as a continuation of said meeting without further notice.
4. All meetings of the Ossipee Planning Board shall be held at the Ossipee Town Hall Annex – Freight House unless the Board shall vote to meet at some different place for a particular meeting.
5. Regular meetings of the Board shall commence at 7:00 PM unless the Board shall vote to fix some different meeting time for a particular meeting, provided however that all public hearings of items of business which receive public hearing shall commence no earlier than 7:00 PM.
6. The Board shall not commence any items of new business which include public hearings later than 9:30 PM provided that the Board may continue to conclusion the public hearing of any item of business or item which commenced prior to that hour.

QUORUMS; VOTING; CONDUCT OF MEETINGS

1. A quorum of four (4) members with a 7 – member board must be present and shall be required to conduct any business.
2. An affirmative vote of a majority of members voting on a question shall be sufficient for adoption of the question. Members of the Board present may be counted to determine whether a quorum is present although they abstain from voting affirmatively or negatively. Persons abstaining shall not be considered "members voting" in determining whether a question has been adopted.
3. When the vote on a question is evenly divided, the Planning Board Chairperson shall be called upon to vote on the question in order to resolve the division.
4. A motion to reconsider a previous vote by the Board during the current meeting shall be in order only if made by a member: (A) who voted with the prevailing side or (B) if the member did not vote on the original question. This applies to votes taken at the current meeting **only**.



PLANNING BOARD ORDER OF BUSINESS

Unless modified by vote, the Board regularly follows the following Order of Business:

I. Call to Order:

The Chairperson will call the meeting to order at 7:00 pm [or other appropriate time designated by the Chairperson as necessary]. The secretary will record the attendance of Planning Board members present. If any member is not present, the Chairperson will raise an alternate member to voting status.

II. Pledge of Allegiance:

III. Roll Call of Members:

IV. Public Input:

V. Approval of the Minutes:

The Board will review [make appropriate changes] and approve the official minutes from the previous meeting.

VI. Financials:

Review of budget reports, invoices and statements for potential action needed.

VII. Conceptual consultations / Informal Discussions

All Pre-Application Consultations shall be non-binding on the Applicant and the Board.

VIII. New Business:

New business shall be addressed by the Planning Board in order of their receipt by the Boards & Commissions Secretary (non-elected position) Reminder: No new business will be addressed after 9:30 pm.

IX. Unsatisfied Conditions: Review of cases with pending conditions.

X. Notices: Review of any Federal, State, and Local correspondence for the Planning Board.

XI. Any Other Business Which May Come Before This Meeting:

XII. Next Meeting: Date, Time and Location of next scheduled meeting

XIII. Adjournment:



Rules of Conduct and Decorum:

The Chairperson shall enforce such order and decorum as may be necessary for the sufficient conduct of the Board's business, guided by a desire to maximize public input on matters before the Board. The Chairperson shall establish such rules of parliamentary procedure as are necessary, subject to the provision that the Chairperson may be overruled by a majority vote of the Board.

1. Except for public hearings duly designated as such by action of the Town Board, public participation at meetings of the Planning Board shall be limited to the public participation segment of the agenda of Planning Board meetings.
2. Public comment, whether during the public participation segment of the Planning Board meeting or during a duly designated public hearing, shall be limited to three minutes per person. An individual's time may not be given or traded to other speakers or reserved for other portions of the meeting.
3. Any person wishing to speak at a public meeting during the public participation segment or during a public hearing must sign in upon entering the room, when such sign-in sheet is available, indicating his or her intention to speak, which sheet will be used by the Chairperson or the presiding officer to recognize speakers. (Optional)
4. Any individual wishing to speak during the public participation segment or during a public hearing; when a sign-in sheet is not available shall raise his or her hand. When recognized by the Chairperson or the presiding officer, the individual must stand and state his or her name and, if appropriate, group affiliation and must state the subject he or she will be addressing.
5. Comments must be brief strictly related to the facts of the public hearing or legitimate town business.
6. The Chairperson or the presiding officer shall act as timekeeper or shall designate another elected official as timekeeper.
7. Members of the Town Board, speakers and audience members must observe proper decorum. Any statements made during the meeting or during a public hearing by the Chairperson, members of the Town Board, town officials or employees, or members of the general public shall not involve personal, impertinent, or slanderous attacks on individuals, regardless of whether the individual so attacked is an elected official, a town official or employee, or a member of the general public.
8. The Chairperson or the presiding officer shall control the meeting. The use of profane, vulgar, inflammatory, threatening, abusive, or disparaging language or racial or ethnic slurs directed at the Chairperson, members of the Town Board, town officials or employees and members of the general public, or statements by a person attending the meeting which are not made during the public participation segment of the agenda or during a public hearing, shall not be tolerated.
9. It is inappropriate to utilize a public meeting for the purpose of making political speeches, including threats of political action and the same will not be allowed.
10. Comments by speakers must be addressed to the Town Board. Attendees may not address the Town Board unless recognized by the Chairperson or the presiding officer.
11. Discussion between speakers and attendees of the public meeting or hearing are prohibited. A speaker may disagree with or support prior speakers in comments directed to the Town Board.



12. Banners, flyers or other signs are not permitted in the meeting room; distribution of flyers in the meeting room is also not permitted.
13. If the Chairperson or the presiding officer fails to enforce the rules set forth above, any member of the Town Board may move to require him or her to do so, and an affirmative vote of a majority of the Town Board shall require him or her to do so. Any decision relating to enforcement of the rules set forth above may be appealed and overturned by a vote of a majority of the Town Board members.
14. Any person who disregards the directives of the Chairperson or the presiding officer in enforcing the rules or who generally conducts himself or herself in a boisterous or inappropriate manner while addressing the Town Board disturbs the peace at a meeting and will be barred from further participation and forfeit any balance of time remaining for his or her comments.
15. If a speaker who has violated these rules refuses to step down, the Chairperson or the presiding officer may ask the individual to be removed from the meeting room and charged with disorderly conduct as per the Penal law.
16. The above rules shall take effect at the next meeting of the Town Board after the adoption of these rules.

Public Hearing on Site Plan Review/Subdivision Applications:

Type of hearing is to be stipulated before hearing is started:

Phase I: Under normal circumstances in which the Board is first considering an application for subdivision or site plan, the applicant shall be recognized for presentation, followed by staff comments; questions by Board members, questions/input by abutters, questions/input by other members of the public-at-large.

Phase II: Continued with formal application and design reviews, followed by staff comments; questions by Board members, questions/input by abutters, and questions/input by other members of the public-at-large.

Phase III: Amended, Conditional Approval or Approval [mandatory] followed by staff comments; questions by Board members, questions/input by abutters, and questions/input by other members of the public-at-large. Finally, the applicant has time for rebuttal. The hearing is then closed and brought to the Board for discussion and action. Further comment from the audience is not offered unless invited by the Planning Board Chairperson.

Conditional Approvals are not final until all Conditions and Federal, State and Local Regulations are met. No business is allowed to operate said business on a conditional approval or without final approval from the Planning Board.

Conduct of public hearings shall be governed by the following rules:

1. The Chairperson shall call the hearing in session, identify the applicant or agent, and may ask for the Secretary's report on the proposal.
2. The Chairperson shall read or designate another member to read the application and report on the manner in which public and personal notice was given.
3. Members of the Board may ask questions at any point during the presentation.



4. Any party to the matter who desires to ask a question of another party must go through the Chairperson.
5. 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.
6. Each person who speaks shall be required to state his /her name, address, and indicate whether s/he is a party to the matter or an agent or counsel to a party to the matter.
7. The applicant or agent shall be called to present the proposal, and those appearing in favor of the proposal shall be allowed to speak.
8. Those in opposition to the proposal shall be allowed to speak.
9. Those neither in favor nor in opposition may speak.
10. 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.
11. The Chairperson shall indicate whether the hearing is closed or adjourned, pending the submission of additional material, information, or the correction of noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

Article 6 – Site Walks

- 6.1 A "site walk" is defined as a visit by the Board or a member of the Board to a location which is the subject of an application before the Board, where the visit shall be in the company of the owner, applicant, their agents or employees and involves going onto the property or visiting areas which are not customarily available for public inspection. (This does not include a view of a site from adjoining public highways or other observations that can be made without entering on the property.)
- 6.2 When the Board deems it necessary for the adequate consideration of an application, the Board shall request the applicant to allow a site walk by the Board.
- 6.3 When the Planning Board schedules a site walk for the Board membership, it shall be posted as a meeting of the Board in accordance with RSA 91-A.
- 6.4 The Board shall ask each applicant, where it deems a site walk is advisable, as to whether members of the public-at-large may accompany Board members. While the Board shall have the authority to conduct site walks where general public permission is not granted, such refusal may constitute grounds for the Board to decline to conduct a site walk.
- 6.5 The practice of an applicant directly calling a member to invite that member to visit a property without prior notice shall be discouraged as an inappropriate course of conduct.
- 6.6 When the Board meets to consider an application the Board and/or individual members of the Board shall disclose whether they have conducted a site walk on the location under consideration.
- 6.7 Minutes of site walks shall be kept only if there is a quorum of the Board conducting the site walk. Minutes shall be in accordance with Article 3.4.



Article 7 - Joint Meetings with Conservation Commission

- 7.1** Joint meetings of the Planning Board and the Conservation Commission shall be presided over by the Chairperson of the Planning Board.
- 7.2** A quorum of the membership of each Board shall be required in order to conduct a joint hearing.
- 7.3** Separate minutes shall be kept of all joint meetings by the Boards & Commissions Secretary (non-elected position) of the Planning Board. Minutes of a joint meeting shall not be considered the official minutes of a joint hearing until they have been adopted by vote of both the Planning Board and the Conservation Commission.
- 7.4** Presentation of applications shall follow the same presentation format as that specified for regular applications in Section 5.8.
- 7.5** At the conclusion of the public hearing, the Board and the Conservation Commission shall proceed to vote on an application. The Board shall act on the request first. Following a motion and vote by the Board, the Conservation Commission shall act on the application.

Article 8 - Public Hearings; Workshops

- 8.1** The Board shall follow the statutory provisions for holding all public hearings on zoning amendments or changes in site plan/subdivision regulations.
- 8.2** Public Hearings shall not commence prior to 7:00 PM nor shall they take up any new items after 9:30 PM provided however, the Board may continue to the conclusion of a public hearing on a question which commenced prior to 9:30 PM.
- 8.3** In the case of zoning amendments or regulation changes proposed by the Board, the Planning Board shall present the question and the public will be invited to comment.
- 8.4** In the case of zoning amendments proposed by citizen petition, the petitioners shall be recognized to present their proposal, followed by questions from Board members and then public comment.
- 8.5** In voting on proposed regulation changes zoning amendments, land sales, or road acceptances, the Board shall consider each separate item and vote on adoption or approval of each separate proposal at the conclusion of the presentation of that item.
- 8.6** In voting on regulation changes or staff proposed zoning amendments, the proposal shall be adopted or submitted to the voters for adoption only if approved by a majority vote.
- 8.7** In voting on citizen zoning amendment proposals, the Board shall vote to approve or to disapprove said proposal. If the Board shall be evenly divided, Planning Board Chairperson shall be called upon to vote on the question in order to resolve the division. If a motion to approve fails to receive a majority vote, the proposal shall be noted as being "disapproved."
- 8.8** Workshop meetings of the Board shall be meetings of the Board to receive presentations on or to study one or more selected topics.

Article 9 - Standards of Conduct



- 9.1 The primary obligation of Planning Board members is to serve the public interest, and to conduct himself/herself so as to maintain public confidence in the Planning Board and the conduct of its business.
- 9.2 Members shall not directly or indirectly solicit any gifts or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, premises or in some other form), under circumstances in which it could be reasonably inferred that the gift was intended to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.
- 9.3 To avoid conflict of interest or even the appearance of impropriety, any member who may receive some private benefit from a public Planning Board decision must not participate in that decision. The private benefit may be direct or indirect; create a material personal gain or provide an advantage to relations, friends, groups or associations that hold a significant share of the official's loyalty. An official with a conflict of interest must make that interest public, abstain from voting on the matter, and except as specified below, leave the table or podium area when Board members deliberate and vote on a matter.

Further, the Board member may not discuss the matter privately with any other Board member voting on the matter or otherwise communicate directly or indirectly with Board members regarding the matter in question so as to attempt to influence the vote on said question.
- 9.4 In circumstances where the number of Board members who may not participate as a result of the provision of Article 9.3 results in less than a quorum being able to participate in a given question, the abstaining members may be counted as "present" for purposes of determining whether a quorum is present although they are not allowed to participate in any way other than abstaining. A Board member who is participating only for the purpose of being counted for the presence of a quorum shall be entitled to sit at the podium, provided that he/she does not participate, comment, or make any indication of his/her position.
- 9.5 A Board member must not disclose or improperly use confidential information obtained in the course of his duties for financial gains or further a personal interest.
- 9.6 All Board members share a responsibility to enforce adherence to the standards of conduct herein. If a member believes that one or more members may either by intention or inadvertence be in violation of these standards, s/he shall call that fact to the attention of the Chairperson who shall in turn call it to the attention of the member in question. In the event of a dispute as to whether a member should or should not participate, the question shall be posed to the Board, as to whether the member in question should or should not participate. Such vote shall be advisory and non-binding and not be requested by other than Board members.
- 9.7 All discussions between Planning Board members and applicants or their agents regarding matters to be decided by the Board shall take place at public hearings and as part of the public record during the Informal Discussion Phase and the Conceptual Design Review Phase.

Article 10 - Agenda Management

- 10.1 Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the Boards & Commissions Secretary (non-elected position) and record the date of receipt. Completed applications shall be submitted to the Board, reviewed for completeness, and then accepted



as complete by majority vote, only at a public meeting for which notice has been given to abutters and the public as required in State Statute. The Board shall begin formal consideration of applications within thirty (30) days of acceptance, although such consideration may begin on the same night as the application is accepted. The Board shall reject all applications not substantially complete.

- 10.2** New business shall be introduced on the Planning Board's agenda in order of their receipt by the Boards & Commissions Secretary (non-elected position) .
- 10.3** Requests by an applicant to be placed on an agenda for a Formal Application, Design Review or Consultation must be received not less than twenty-one (21) days prior to the date of the meeting.
- 10.4** Upon the filing of a Design Review request or a Formal Application, the applicant shall file three (3) sets of preprinted address labels representing the names and addresses of all abutters, together with any other person the applicant desires to be notified of the meeting. Abutters shall be defined as set out in State statute.
- 10.5** If new or additional information relative to the application is required by the Planning Board, such information must be submitted to the Planning Board and/or the Town Planner at least 10 days prior to the next Planning Board meeting.
- 10.6** If an application is to be considered for more than 120 days, additional mailing labels and notice fees may be required of the applicant.

Members of the public may request to speak if the subject is listed as a PUBLIC HEARING. The Chairperson will recognize you during the course of the hearing and invite you to stand and address the Planning Board so that the viewers can see and hear as you comment. Because there may be a large number of people who wish to speak, the Chairperson may specify time limit you will be allotted to speak.

Amendments:

November 2, 2016 - Original Rules of Procedure

May 21, 2019 - Change storage of PB meeting recordings to 30 days post approval of written minutes, plus other minor changes

August 30, 2022 - Amendment reflects the change of adding a board elected Secretary to the Board Officers

July 18, 2023 – Change to Order of Business, grammatical changes, and RSA changes.