

**AUTHORITY:**

These By – Laws are adopted under the authority of the laws of the State of New Hampshire, RSA 673.

NAME:

This body shall be known as the Ossipee Planning Board, and may be referred to as “the Board”.

OBJECTIVES:

The Planning Board shall regulate the development of the Town through the preparation of a Master Plan and Zoning Ordinances, through Subdivision Regulations, Site Plan Reviews, and other means in accordance with the laws of the State of New Hampshire, RSA 674.

MEMBERSHIP:

1. Composition:

- a. The Board shall consist of seven members, one a Selectman or Administrative Officer, as appointed by the Selectmen, and the remaining six shall be elected at the general town election. Two members shall be elected each successive year for a three year term on an alternating basis.
- b. Alternate members shall be appointed by the Planning Board per RSA 673:6: II and shall be designated by the Chairperson of the Planning Board to act in an absent members place.
- c. At planning board meetings, alternates who are not activated to fill the seat of an absent or recused member or who have not been appointed by the chair to temporarily fill the unexpired term of a vacancy, may participate with the board as a non-voting member. During a public hearing, alternates may sit at the table with the regular members and may view documents, listen to testimony, and actively participate and interact with other board members, the applicant, abutters and the public.

However, they shall not be allowed to make or second motions and shall not participate in any way during the deliberations by the board. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate. At all times, the chair shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application.

- d. Members of the Board may also serve on any other municipal board or commission as allowed by the State of New Hampshire.

2. Term:

The term of office for a Planning Board member or an alternate shall be three years, except that the term of office of the Selectman member shall be decided by the Board of Selectmen in accordance with the laws of the State of New Hampshire.



3. Vacancies:

The Board shall fill any vacancies within a reasonable time, not to exceed sixty days. The appointee shall serve for the remainder of the unexpired term, per RSA 673:12.

4. Duties and Responsibilities:

- a. To attend meetings on a regular basis.
- b. To conduct site walks of proposals being considered by the Board. (Per the Rules of Procedures, Article 6.1)
- c. To vote on all motions, except 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, per RSA 673:14.
- d. To be familiar with Subdivision Regulations, the Zoning Ordinance and related regulations of the Town of Ossipee and with the enabling legislation of the State of New Hampshire.

OFFICERS:

1. Election, Term, and Vacancies:

- a. The officers of this organization shall be a Chairperson and a Vice Chairperson, elected by a majority vote at the first meeting following the annual election of board members.
- b. The term of office for each officer shall be one year or until a successor is elected.
- c. Any vacancy shall be filled by majority vote of the Board at the time of its occurrence.

2. Duties and Responsibilities:

- a. The Chairperson shall preside over all meetings and hearings, shall appoint committees as directed by the Board, shall affix his or her signature in the name of the Board, and shall set the agenda for each meeting.
- b. The Vice Chairperson shall preside in the absence of the Chairperson or when the Chairperson must disqualify himself (per RSA 673:14).

MEETINGS:

1. Procedure:

The Town of Ossipee Planning Board holds a regularly scheduled meeting on the first and third Tuesday of each month, beginning at 7:00 PM.

Special meetings, including workshops and site visits, shall be held at the call of the Chairperson or by written request by a majority of the Board Members.



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.

a. **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.

b. **The Pledge of Allegiance:**

The Chairperson will lead the Board and attendees in reciting the Pledge of Allegiance.

c. **Approval of the Minutes:**

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

d. **Financials:**

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

e. **Unsatisfied Conditions:**

Review of Conditionally approved applications for updates and determination if criteria's have been met.

f. **Hearings:**

- All pre-application consultations and reviews shall be non-binding on the Applicant or the Board.
- The type of hearing is to be stipulated before the hearing starts: Informal Discussion, Conceptual Design/Acceptance as Complete or Final Plan/Approval.

The procedure for the hearing is to offer all applicants and their agent/staff the opportunity to make a presentation and present their proposal. The Board will ask the first questions of the applicants or the agent/staff. Next, the Chairperson will ask for public input. Whether for or against the application the public may question or speak to the proposal. Time for rebuttal will be allowed. The Hearing is then closed and brought to the Board for discussion and action. Further comment from the audience is not accepted unless invited by the Planning Board Chairperson. Members of the public may request to speak if the subject is listed as a PUBLIC HEARING. The Chairperson will recognize the speakers during the course of the Hearing and ask them to stand so the public can see and hear them. Because there may be a larger number of people who wish to speak, the Chairperson may specify the number of minutes allotted to speak.

**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 Planning Board, public participation at meetings of the Planning Board shall be limited to the public input segment of the agenda of Planning Board meetings.
2. Public comment, whether during the public input 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 individual wishing to speak during the public input segment or during a public hearing 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.
4. Comments must be brief and related to the facts of the public hearing or legitimate Planning Board business.
5. The Chairperson or the presiding officer shall act as timekeeper or shall designate another elected official as timekeeper.
6. Members of the Planning 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 Planning Board, town officials, 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.
7. 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 Planning Board, town officials, 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.
8. It is inappropriate to utilize a public meeting for making political speeches, including threats of political action and the same will not be allowed.
9. Comments by speakers must be addressed to the Planning Board. Attendees may not address the Planning Board unless recognized by the Chairperson or the presiding officer.
10. 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 Planning Board.
11. If the applicant or his/her representative fails to attend the public hearing concerning the application, the Planning Board may take action to deny the application.



12. An application may be continued upon receipt of written notification of the applicant's inability to attend the hearing. The applicant shall notify the Planning Board prior to the meeting if there will be no one there to represent them and take action on their behalf.
13. Banners, flyers or other signs are not permitted in the meeting room; distribution of flyers in the meeting room is also not permitted.
14. If the Chairperson or the presiding officer fails to enforce the rules set forth above, any member of the Planning Board may move to require him or her to do so, and an affirmative vote of a majority of the Planning 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 Planning Board members.
15. 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 Planning Board and disturbs the peace at a meeting will be barred from further participation and forfeits any balance of time remaining for his or her comments.
16. 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.
17. The above rules shall take effect at the next meeting of the Planning Board after the adoption of these rules.

g. New Business:

New business shall be addressed by the Planning Board in order of their receipt by the Land Use Secretary. Reminder that no new business will be addressed after 9:30 pm.

h. Old Business:

The Planning Board shall address any outstanding business which has previously come before the Board.

i. Correspondence:

The Planning Board shall address any letters, notices or upcoming education sessions.

j. Any Other Business Which May Come Before This Board:

The Chairperson may ask if there are land use or planning issues not on the agenda which should be briefly introduced by those in attendance.

k. Adjournment:

A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present to conclude all discussions and business activities for the meeting/hearing on this given day and adjournment time is recorded.



Any meeting/hearing discussions continued after the meeting has adjourned and a quorum is present will be recorded for legal purposes.

2. Notification of Meetings:

Notice of all hearings and meetings, with agenda data shall be given to each member prior to the time of such meeting, and notice of each such meeting shall be posted in accordance with the laws of the State of New Hampshire.

3. Quorum:

A quorum of four (4) members with a 7 – member board must be present and shall be required to conduct any business.

4. Voting Procedures:

Decisions shall be made by the majority of those members present.

5. Conduct of Meetings:

- a. The Chairperson, with the concurrence of the Board, shall establish the procedure and order of business at each meeting and each hearing.
- b. Minority opinions shall be recorded at the discretion of the Chairperson or by majority vote of the Planning Board.

6. Records:

Records of all meetings, transactions and decisions of the Board shall be maintained in the offices of the Town.

- a. Each case which has been noticed and/or brought before the Ossipee Planning Board shall be placed in a designated file cabinet under the control of the secretary of the Board. These cases shall be inserted into a file folder which will be marked on the outfacing tab and the front and back of the folder with the map and lot number specific to that case. The "case file" shall then be filed in the file drawer numerically, first by map number and then by lot number. Succeeding case files shall be placed in numerical sequence, either before or after the previous file. Existing files shall be updated to the current map and lot system at the discretion of the board secretary.
- b. Pre-application discussion letters:
Each pre-application discussion which comes before the Board shall be recorded in the minutes with specific items of concern annotated therein.

At the conclusion of said meeting and within the appropriate time frame, the secretary shall send to the applicant a letter acknowledging the pre-application discussion and as an enclosure, a copy of the minutes of the meeting detailing the items of concern as discussed.
- c. Minutes of the Board meetings shall be available 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.



- d. All meetings of the Board, which are public hearings, are recorded by type or other electronic device and deleted or destroyed after the 30 days appeal period has passed, unless an appeal has been filed.

COMMITTEES:

Committees shall be appointed by the Chairperson as required by the Board. Membership of committees need not be limited to members of the Board.

OPERATING FUNDS:

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

AMENDMENTS:

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

VALIDITY:

If any portion of these By-Laws shall be held to be invalid for any reason by any court, such holding shall not invalidate in any manner any other provision contained herein.

LEGALITY:

If any portion of these By-Laws shall be found to be in conflict with the laws of the State of New Hampshire, the state statute shall prevail.

ADOPTED: April 20, 1993

Amended to reflect the change from appointed to elected membership, April 4, 1995

Amended to include information about Planning Board procedure, May 20, 2008

Amended to change filing system to map/lot and include filing and sending a letter after pre-application discussions, March 20, 2012

Amended to include information about Planning Board procedure related to Alternates and Rules of Decorum, September 5, 2017

Amended to include updating Chairman to Chairperson, record retention and official record of minutes, May 21, 2019.