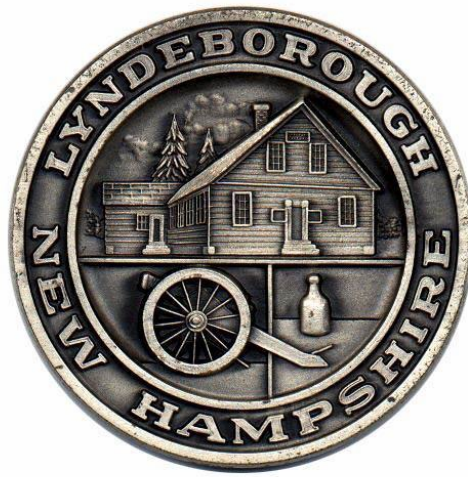


Town of Lyndeborough New Hampshire



Planning Board Rules of Procedure

Adopted May 19, 2025

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Section 100 Authority

- 100.1 The Town of Lyndeborough Planning Board shall be governed by the provisions of all applicable State of New Hampshire statutes, Town of Lyndeborough ordinances and regulations and these rules.
- 100.2 These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) Chapter 676:1, "Methods of Adopting Rules of Procedure" as amended.
- 100.3 As used in these Rules of Procedure, the term "Board" shall mean the Planning Board duly established by the legislative body of the Town of Lyndeborough under authority of NH RSA 673. The term "Town" shall indicate the Town of Lyndeborough.

Section 110 Powers and Duties of the Planning Board

- 110.1 The Town of Lyndeborough Planning Board's primary responsibilities are:
 - a. adopting and updating a Master Plan;
 - b. adopting and updating a Capital Improvement Plan;
 - c. drafting, and recommending, ordinances and amendments to be adopted by the Town's legislative body;
 - d. drafting, adopting and administering regulations to implement the Town's land use ordinances; and,
 - e. reviewing and ruling on new development proposals according to the Town's Zoning Ordinance, Subdivision, Non-Residential Site Plan, Driveway, and Excavation Regulations and other land use regulations and ordinances adopted by the Town.

Section 120 Purpose of the Rules

- 120.1 The purposes of the Planning Board's Rules of Procedure are:
 - a. to meet the requirements of RSA 676:1, "Methods of Adopting Rules of Procedure";
 - b. to note the procedural requirements of the Planning Board outlined in RSA 673, "Local Land Use Boards", and to ensure that related Board operational

requirements, such as in RSA 676, "Administrative and Enforcement Procedures", are generally known and properly implemented;

c. to ensure that Planning Board actions are commonly known and understood for the benefit of Lyndeborough's citizens, officials, the Planning Board and other Town Boards and Commissions, as well as applicants and their representatives, abutters, and all other interested persons or organizations; and;

d. to develop and promote consistency in Board actions.

Section 130 Title and Administration

- 130.1 These Rules may be cited as the Town of Lyndeborough "Planning Board Rules of Procedure" or "Planning Board Rules".
- 130.2 These Rules shall be adopted by a majority vote of the entire membership of the Board (including alternates) at a regular meeting of the Board.
- 130.3 These Rules shall be effective upon adoption by a majority vote of the Board. The Rules shall be signed by the adopting majority of the Board and filed with the Lyndeborough Town Clerk.
- 130.4 These Rules may be amended or rescinded in the same manner as the initial adoption.
- 130.5 These Rules shall be reviewed annually at the same time as the election of officers, or as required by a statutory change.
- 130.6 Waivers or modifications to these Rules may be made by a majority of the Board, when deemed appropriate for the pending issue. The justification for such waiver and a record of the vote taken shall be noted in the minutes of the Board.
- 130.7 Adoption of these Rules replaces any previously adopted Planning Board Rules and Procedures.

Section 140 Membership and Terms of Office

- 140.1 The Planning Board shall consist of seven (7) regular members, six (6) of whom shall be residents of the Town of Lyndeborough appointed by the Board of Selectmen. The seventh regular member shall be a Selectman designated by the Board of Selectmen as an ex-officio member with power to vote.

- 140.2 The ex-officio member shall be appointed by the Board of Selectmen for a one-year term, with no limit on consecutive terms. The term of office of the other regular members shall be for three (3) years, or as appointed to complete an unexpired term. The term of office shall commence upon appointment and after the Board member has been sworn in. Terms of office shall be staggered so that no more than two (2) appointments occur annually, except when required to fill vacancies.
- 140.3 Selection, qualifications, terms, removal of members, and filling vacancies shall conform to RSA 673.
- 140.4 Alternate Board members may serve on the Planning Board in accordance with RSA 673:6. Up to four (4) alternates, who reside in the Town of Lyndeborough, may be appointed by the Board of Selectmen for three (3) year terms.
- 140.5 The Board of Selectmen may designate, or appoint if necessary, the alternate for the ex-officio member and only that designated/appointed alternate may serve in the absence of the ex-officio member.
- 140.6 Alternates should attend all meetings to familiarize themselves with the workings of the Board, so as to be ready to serve whenever a regular member of the Board is unable to fulfill their responsibilities.
- 140.7 At Planning Board meetings, alternates who are not activated to fill the seat of an absent or disqualified member or who have not been appointed by the Chair to temporarily fill a vacancy, may participate with the Board in a limited capacity:
- a. Alternates may view documents, listen to testimony and actively participate and interact with other Board members, the applicant, abutters, and the public. Alternates shall not, however, make or second motions and shall not participate in any way during the Board's deliberations.
 - b. During work sessions, miscellaneous business, or portions of meetings that do not include a public hearing, alternates may fully participate and may vote on administrative and procedural matters.

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.

- 140.8 Training:
- a. New members should become familiar with all applicable RSAs, ordinances and regulations within one (1) year of assuming office for the first time.

- b. All members should continue to participate in training opportunities, monitor planning trends, and be aware of new or modified rules and regulations as they apply to the planning process and/or the planning board.
 - c. Training is furnished annually by the Nashua Regional Planning Commission (NRPC), the Office of Planning and Development (OPD), or the New Hampshire Municipal Association (NHMA), and may be designed and furnished in a variety of formats, such as web-based distance learning, traditional classroom style, or self-study.
 - d. Opportunities for joint training with other Town boards and/or with neighboring land use boards should be undertaken whenever possible.
- 140.9 Recommendations regarding appointments for regular and alternate Planning Board members shall be submitted by the Planning Board to the Board of Selectmen for action. It is strongly advised that any potential applicant for a Planning Board position attend at least one Planning Board meeting before applying.

Section 150 Officers

- 150.1 The officers of the Board shall be elected from its regular membership annually at the first regularly scheduled meeting following the March Town Meeting, as the first order of business, by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.
- 150.2 The officers of the Board shall be as follows:
- a. CHAIR. The Chair shall preside over all meetings and hearings, designate alternates to replace absent or disqualified members, make such appointments as the Board may direct, and shall act for the Board on all matters not requiring a vote of the members. The Chair shall have the responsibility to ensure that all parties receive a full and fair hearing before the Board.

The Chair shall be responsible for the conduct and decorum of the meeting or hearing, decide all questions of order and procedure, subject to these Rules and applicable State laws, provided that the Chair may be overruled by a majority vote of the Board. The Chair shall appoint any sub-committees found necessary to carry out the business of the Board. The Chair may present to the Board such matters as in the Chair's judgement require attention. At the request of any member, the Chair shall direct that the yeas and nays be taken and entered on the record on any question before the Board. The Chair shall sign all approved subdivision and site plans and other documents that require the Planning Board's endorsement.

Pursuant to RSA 673:9, II, the Selectmen's ex-officio member shall not serve as chair.

- b. VICE-CHAIR. The Vice-Chair shall preside in the absence or disqualification of the Chair and shall have the full powers of the Chair on matters which come before the Board during the absence or disqualification of the Chair.

150.3 The Board may create other officers as deemed necessary.

150.4 Should neither the Chair nor the Vice-Chair be present, or be disqualified, the qualified members of the Board in attendance shall vote for a member to serve as Acting Chair.

Section 160 Standards of Conduct

160.1 The primary obligation of the Planning Board members is to serve the public interest, and to conduct themselves so as to maintain public confidence in the Planning Board and the conduct of its business.

160.2 Members shall not directly or indirectly solicit any gifts or accept or receive any gifts (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.

160.3 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 the 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.

160.4 A Board member must not disclose or improperly use confidential information obtained in the course of their duties for financial gain or to further a personal interest.

- 160.5 The above restrictions notwithstanding, a Board member who has an interest in a matter before the Board may, following disqualifying himself from the Board, exercise his rights as a citizen and address the Board on the issue under review.
- 160.6 Ex parte communications with applicants or interested parties (written or verbal communication from or to a Board member concerning a pending application) impair the procedural due process rights of interested parties and undermine public confidence in the Planning Board. Board members should refrain from initiating ex parte communications on any application. Any requests or inquiries by Board members should be made during public meetings or through Town staff.
- 160.7 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, that member shall call that fact to the attention of the Board. 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.

Section 170 Authority of the Planning Board Members and Town Staff

- 170.1 No action or statement by any single Board member or officer, or any employee of the Planning Board or the Town of Lyndeborough, shall bind the Town, absent a formal vote by the Board acting at a duly noticed hearing; and no applicant or person who has an interest in a matter before the Board is entitled to rely upon any statement or action. Statements or actions taken by Board members or employees outside a regularly scheduled and noticed hearing are informational only and are designed to expedite the planning process and assist applicants and others with an interest.

Section 180 Meetings

- 180.1 Regular meetings shall be held at least monthly at Citizen's Hall, at 7:00 PM on the third Thursday of each month.
- 180.2 All meetings of the Planning Board shall be held at Citizen's Hall, unless otherwise voted on by the Board and the alternate location duly noticed.
- 180.3 Special Meetings and Work Sessions may be called by the Chair, or in the Chair's absence, by the Vice-Chair, or at the written request of three members of the Board provided public notice

and notice to each member is given at least 24 hours in advance of the time of such meeting, excluding Sundays and legal holidays.

- 180.4 All meetings of the Board and its sub-committees shall be open to the public. Nonpublic Sessions shall be held only in accordance with RSA 91-A:3.
- 180.5 Quorum. The Board has a membership of seven (7) regular members and up to four (4) alternates. Therefore, a quorum for all meetings shall consist of four (4) members, including alternates sitting in place of regular members.
- 180.6 If any regular Board member is absent from a meeting or hearing, or disqualifies himself from sitting on a particular application, the Chair shall designate one of the alternate members to sit in place of the absent or disqualified member, and such alternate shall have all of the powers and duties of a regular member in regards to any matter under consideration on which the regular member is unable to act. Pursuant to RSA 673:11, only the alternate designated for the ex-officio member shall serve in place of that member.
- 180.7 Disqualification. If any member finds it necessary to disqualify himself from sitting on a particular case, as provided in RSA 673:14, he shall notify the Chair as soon as possible so that an alternate may be requested to sit in his place. The disqualification shall be announced by either the Chair or the member disqualifying himself before the beginning of the consideration of, or the public hearing on, the application. The member disqualifying himself shall leave the Board table during all deliberations and the public hearing on the matter and shall state for the minutes the reason for disqualification.
- 180.8 All persons attending the meeting (other than Board members) shall fill out a check-in sheet upon arrival.
- 180.9 Order of Business. The order of business shall be as follows:
- a. Call to order by the Chair;
 - b. Public Hearings on subdivision, site plans, or any other issues; †
 - c. Public comment on matters relevant to the Planning Board.
 - d. Workshop sessions; presentations by outside agencies; meetings with subcommittees, departments, boards, commissions, Town staff, etc.;
 - e. Correspondence, review of Driveway Permits, Intents to Cut and Excavation permits;
 - f. Approval of minutes, Miscellaneous Business †;

g. Adjournment.

† Miscellaneous Business may also be taken up between scheduled hearings if there is enough time before the noticed start time of the next hearing.

- 180.10 The Chair may limit the amount of time taken by each speaker and limit discussion not relevant to the matter at hand or repetitive of points previously made. The Chair shall announce the time limits at the beginning of the public hearing.
- 180.11 A motion that is duly seconded shall be carried when a simple majority of members present are voting in the affirmative.
- 180.12 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.
- 180.13 The Chair shall vote in the same manner as any other regular member of the Board. Alternate members shall only vote when appointed to sit in the place of an absent or disqualified member, excepting that alternate members may vote on administrative and procedural matters that are not part of a public hearing.
- 180.14 On all duly seconded motions, following discussion the Chair shall call for votes by Yea, Nay, and Abstain. On all decisions that are not unanimous, the names of the members voting each way shall be recorded in the minutes.
- 180.15 A motion to reconsider a previous vote by the Board shall be in order only if made by a member who voted on the original question, or at the discretion of the Chair.
- 180.16 All meetings shall be concluded when scheduled business is completed, or at the discretion of the Chair with any unfinished business being carried forward to the next regularly scheduled meeting or to an adjourned session, unless a majority of the Board present votes to continue the subject meeting.
- 180.17 A Planning Board member or members may participate in a meeting other than by attendance in person at the location of the meeting when attending in person is not reasonably practical, with advance permission of the Chair, subject to the following restrictions:
 - a. The reason for participation from a location other than the location of the meeting shall be stated in the minutes.

- b. Any member participating electronically at a meeting shall identify all other persons present at the place from which the member is participating.
 - c. Except in an emergency as defined by RSA 91-A,III(b), and as determined by the Chair, a quorum of the Planning Board shall be physically present at the location specified in the notice of the meeting.
 - d. Each member participating electronically or by other means must be able to simultaneously hear each other member and speak to each other member during the meeting. The member or members participating by phone or other electronic means shall be audible or otherwise discernible to the public in attendance at the meeting's location.
 - e. A member participating in a meeting by electronic means is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.
- 180.18 No meeting shall be conducted by electronic mail, teleconference, video conference or any other form of communication that does not permit the public to hear, read or otherwise discern the meeting discussion contemporaneously at the meeting location specified in the meeting notice.
- 180.19 An additional monthly work session may be called for the purposes of creating or amending regulations and codes, presentations by outside agencies, meetings with sub-committees, other boards or consultants, or other such matters not requiring a Public Hearing. Such work session is a public meeting, subject to notice requirements.

Section 190 Board Preparation for Meetings

- 190.1 Ten (10) days prior to the meeting, at the same time as public notice is made, the agenda shall be posted as in Section 220.2 and emailed to members by Town staff.
- 190.2 Materials relevant to items on the agenda shall be emailed to members no later than the Friday before the regular meeting.

Section 200 Applications and Escrows

- 200.1 Applications for hearings before the Board shall be made on forms available at the Town Office and on the town website.

- 200.2 Applications shall be submitted to Town staff, who shall initial and record the date of receipt on the application. Applicants should submit three (3) copies of the application package. Where applicable, applicants shall also submit an electronic copy of the application package by email to the land use administrative assistant in the town office.
- 200.3 Any request to the Planning Board received from a state or other government agency for approval or certification of an approval shall be considered an application.
- 200.4 Town staff shall establish a master file for the application and put into the file all documents related to the application when received (except for private, personal information such as copies of checks written for fees and escrows). This master file shall be available to the public for inspection during normal Town business hours.
- 200.5 Upon receipt of an application, Town staff shall assign a case number in the format "PB Case YYYY-#, Lot #". Case numbers shall be assigned in chronological order for each year, based on the date of receipt of the application. The case number shall be printed on the first page of the application and on the file folder.
- 200.6 Town staff may put copies of application files online on a page of the town website under the Planning Board section.
- 200.7 Applications shall be submitted at least 21 days prior to the meeting at which they will be considered. Applications for approval must be complete, with all required information and supporting documents, to be considered. The requisite fees and escrows must be paid at the time of submission.
- 200.8 Materials submitted the night of the meeting may or may not be considered at the discretion of the Board.
- 200.9 In addition to considering formal applications for approval, the Board may, at the applicant's request, conduct preliminary review of applications and plats in accordance with RSA 676.4.II. These preliminary reviews are not required for applications to be heard for approval. A request for a preliminary review is an application and shall be numbered and filed as provided in this section.
 - a. Conceptual Consultation: a non-binding consultation covering the basic concept of the proposal and suggestions which might be of assistance in resolving problems with meeting requirements for approval. The Board and the applicant may discuss proposals only in general terms such as desirability of types of development and proposals under the master plan. A conceptual consultation may occur without the necessity of giving formal public notice but may occur only at a formal meeting of the Board.

- b. Design Review: a non-binding discussion with the applicant beyond general concepts which involved more specific design and engineering details. The Design Review may only occur after notice to abutters and the public is made as required by RSA 676.4.I(d).

200.10 Escrows are required as follows:

- a. No escrow shall be required for a Conceptual Consultation.
- b. An escrow for Application/Plan review shall be paid when applying for a Design Review or for an application for approval.
- c. The board may require additional escrows for legal, engineering, or other professional consultation. The board shall inform the applicant of any such required escrows at any phase of the process.

200.11 The board shall inform town staff in writing of all escrows required for an application. Town staff shall establish an account for the escrows and shall charge professional fees to the escrows when paid. The board shall provide the application case number to all consultants at the time of engagement and require the consultants to include the case number on all invoices.

200.12 Applications shall be brought before the Board for their determination of completeness within 30 days of delivery, or at the next regularly scheduled meeting.

200.13 The Board shall reject all applications not properly completed and shall render a written decision pursuant to RSA 676:3 describing the information, procedure, or other requirement necessary for the application to be complete.

Section 210 Agenda management

210.1 Town staff shall maintain files for applications received for Planning Board consideration, kept in sequence of the time at which an application is received. Applications shall be considered in the order in which they are received.

210.2 Requests by an applicant to be placed on the agenda, other than a new application, must be received not less than twenty-one (21) days prior to the date of the meeting. Such requests shall be made to Town staff and expeditiously communicated to the Chair.

210.3 Every effort is made to schedule applications in the order of their receipt, providing, however, that applications continued from a previous meeting will take precedence over new

applications, and the Board reserves the right to schedule the agenda in order to make the most efficient use of the time available.

- 210.4 The Board endeavors to remain on track with the timing of scheduled agenda items. It is entirely possible, however, that any given hearing may take considerable time, particularly if it is a large or complicated subdivision or if the Board wishes to conclude an aspect of the discussion prior to adjourning. The Board makes every effort to extend the same professional level of review and discussion to each application and appreciates applicants', abutters' and others' understanding that their own issue will be dealt with in the same thorough manner.
- 210.5 The Chair may designate a Board member to act as a steward for the application, to review the completeness of the application prior to the hearing.

Section 220 Notice

- 220.1 The Planning Board provides public notice as follows:
- a. for public hearings on applications the Board follows the requirements of RSA 676:4;
 - b. for public hearings on the adoption and amendment of ordinances and regulations the Board follows the requirements of RSA 675:7;
 - c. for other meetings, the Board follows the requirements of RSA 91-A.
- 220.2 Public notice of the submission of, and public hearings on, each application, shall be given by posting not less than ten (10) days prior to the date fixed for consideration of the application, on the Town website and at one of the following locations:
- Lyndeborough Town Office
 - J.A. Tarbell Library
 - Lyndeborough Country Store
- 220.3 Personal notice shall be made in accordance with RSA 21:53 to the applicant, all abutters, holders of conservation, preservation, or agricultural preservation restrictions, and any professional whose seal appears on any plat, not less than ten (10) days prior to the date of the meeting at which the application will be heard.

- 220.4 Once the above required notices are given, no further notices are required, provided that, prior to the adjournment of the public hearing, the date, time, and place of the adjourned session is publicly announced.
- 220.5 Public notice of public hearings on the adoption and amendment of ordinances and regulations shall be given by posting not less than ten (10) days (excluding the date of posting and the date of the hearing) prior to the date of the hearing at the locations listed in Section 220.2 above. Notice will also be published in the Milford Cabinet and/or Monadnock Ledger-Transcript legal advertisement section not less than ten (10) days prior to the date of the hearing.
- 220.6 No public or personal notice is required for informational sessions (Conceptual Consultation, RSA 676:4,II,(a)), however, such sessions may occur only at formal meetings of the Board and must be scheduled on the Board's regular agenda.

Section 230 Public Hearings

231 Public Hearings on Applications

The conduct of public hearings on applications shall be governed by the following rules:

- 231.1 The Board shall review the application to determine completeness. The Chair or designated Board member for the application shall report on the completeness of the application.
- 231.2 The Chair shall entertain a vote of the Board members to accept the application as complete and continue the public hearing or to reject the application as incomplete.
- 231.3 The Chair shall call the hearing in session. If any regular member disqualifies themselves, alternate members shall be designated in accordance with RSA 673:11 .
- 231.4 The Chair shall read the public hearing notice, announce the purpose of the hearing, and outline hearing procedures. The applicant and/or their agent or representative may make a brief statement about the application and/or the submission items if they wish.
- 231.5 If the application is accepted as complete by a majority vote of the Board, the applicant and/or their agent or representative shall be called to present the application and briefly describe its purpose.
- 231.6 Members of the Board, including alternates, may ask questions through the Chair at any point during the presentation.
- 231.7 Members of the audience may be allowed to speak in the following order:

- a. direct abutters;
- b. any person with a direct interest in the application;
- c. other members of the public at-large; and,
- d. other parties such as representatives of Town departments and other Town Boards and Commissions who have an interest in the application.

231.8 Each person who speaks shall be required to state their name and address for the record and to indicate their interest in the application.

231.9 Any party who desires to ask a question to another party must go through the Chair.

231.10 Any applicant, any abutter or any person with a direct interest in the matter may testify in person, in writing, or by electronic means if available and noticed. Other persons may testify as permitted by the Board at each hearing. Written correspondence received by the Board relative to the application shall be noted in the record and may be read in full or in summary.

231.11 The Chair shall close the hearing to public input and commence Board deliberations. During deliberations the Board reserves the right to ask such questions as are necessary to inform their discussions, but no additional public input shall be allowed unless the public hearing portion is re-opened by majority vote of the Board. Alternate members shall not participate in deliberations unless activated by the absence of a regular member.

231.12 Continued Public Hearings

A continued public hearing shall follow the same procedures noted above for public hearings, except that, in place of a presentation from the applicant and/or their agent or representative, as noted in Section 231.5 above, the Board shall first be presented the answers to any questions or issues that arose at the previous hearing. Once the Board is satisfied with the information provided in response to the prior questions or issues, the applicant and/or their agent or representative may present any new information that may have been received since the last meeting. If an alternate Board member has been activated for the continued hearing, he shall continue as a voting member for that application.

231.13 Applicant Non-appearance

An applicant who does not appear, or is not represented by an authorized agent, or has not requested a continuation in writing, for a hearing that has been duly noticed shall not be automatically rescheduled for a later meeting. The non- appearance shall constitute grounds for a denial without prejudice. It shall be the applicant's responsibility to re-apply and to follow all procedures and pay all fees necessary.

231.14 Request for Continuation

An applicant may request that a duly noticed public hearing be continued to a later date. This request must be made in writing, must include the reason for the request, and must be submitted to Town staff not later than two days prior to the meeting at which the hearing was scheduled. The Chair shall open the scheduled hearing and read the request for continuation. A majority vote of the Board is required to approve such a request and the date, time and place of the continued hearing shall be announced and noted in the minutes so no further notice will be required.

232. Public Hearings on the Adoption or Amendment of Ordinances, Regulations and the Master Plan

The conduct of public hearings on the adoption or amendment of ordinances, regulations and the Master Plan shall be governed by the following rules:

- 232.1 The Chair shall call the hearing in session. If any regular member disqualifies himself, alternate members shall be designated in accordance with RSA 673:11 .
- 232.2 The Chair shall read the public hearing notice and may read through the proposed ordinance, regulation or Master Plan amendments, providing, however, that if there are no audience members or interested parties present and/or the proposed ordinance, regulation or Master Plan amendments have been discussed at previous meetings of the Board, the Board may determine that reading the whole proposal is unnecessary and the Chair may move through the proposal in summary. Written copies of the proposal shall be available at the public hearing. If the proposal is part of the work of a sub-committee or is being presented by a Town Board, Commission, Department or Official, they shall be afforded the opportunity to make a presentation on the proposal to the Board.
- 232.3 Following the reading of the proposed ordinance, regulation or Master Plan amendment in detail or in summary form, the Chair will entertain questions from Board members, and then from others.
- 232.4 The Board will discuss any information or comments received from Town Counsel, Nashua Regional Planning Commission, other consultants, and other Boards, Committees, Commissions or Town Departments.
- 232.5 The Board will then discuss any changes proposed from the draft presented in the posted form of the proposal.

- 232.6 The Chair will close the public hearing and the Board will enter into deliberations on the proposal and any changes thereto.
- 232.7 Should substantive changes be proposed and agreed to by the Board, the Board shall move to adjourn the hearing to an additional public hearing for purposes of notice and discussion of the changes.
- 232.8 If no substantive changes are proposed, the Board shall vote on the proposal. For Zoning Ordinance, Building Code, and other ordinance adoption or amendments the Board shall vote to propose, propose as amended, or not propose that the amendment be put to ballot vote the following March. For regulation or Master Plan adoption or amendments the Board shall vote to adopt, adopt as amended, or not adopt the proposed regulation or Master Plan or amendment.
- 232.9 The method of adoption, filing of documents, and reporting of adoptions or amendments shall be carried out in accordance with RSA 675.

Section 240 Decisions

- 240.1 The Board shall act to approve, conditionally approve, disapprove, or disapprove without prejudice all completed applications, subject to extension or waiver as provided in RSA 676:4.
- 240.2 The Board shall render a decision on all completed applications within 65 days of the date the application is determined to be complete, subject to extension or waiver as provided in RSA 676:4, I, (f), and shall inform the applicant of the decision. Three (3) signed original copies of the Notice of Decision (NOD) will be required.
- 240.3 The written Notice of Decision, including all conditions of approval, shall be made available for public inspection during regular business hours within five (5) business days after the decision is made, as required in RSA 676:3, and a copy of the decision shall be sent to the applicant.
- 240.4 If the application is disapproved, the Board shall inform the applicant, and shall provide the applicant with written reasons for the disapproval within five (5) business days.
- 240.5 Decisions relative to subdivisions, including all conditions of approval, shall be placed or recorded with the plat by forwarding a certified copy of the Board's Notice of Decision to the Hillsborough County Registry of Deeds.
- 240.6 Approval of a site plan or subdivision plan shall be evidenced by the signatures of the Chair and the Vice-Chair or a board member designated by the chair on the plat after the legally required 30-day appeal period. The signature block shall state both the date of the hearing at

which the application was approved and the date of signature. Final mylar plats must be delivered to Town staff at least seven (7) days before the signature date so that the Chair or designated Board member can review and verify the correctness of the plat. The plat must be signed at Citizens' Hall during a meeting of the Board. The approved plat shall be recorded by a member of Town staff as directed by the Chair.

Section 250 Records and Minutes

251 Records

- 251.1 The records of the Board shall be kept in the Town Office and shall be available for public inspection at the Town Office during regular business hours as required by RSA 676:3 II.
- 251.2 A Planning Board member or other authorized Town employee must always be present while the files are being inspected and shall make any copies requested. A fee for copies made shall be assessed in accordance with the Town's posted copy charge.
- 251.3 If the town adopts a system to digitize town records, Board records may be digitized, and the digital version shall be used for public inspection in accordance with town procedures. The hard copy of all records shall be retained in perpetuity.

252 Minutes

- 252.1 Minutes of all meetings shall include the names of Board members and persons appearing before the Board and a brief description of the subject matter. Minutes shall include:
 - a. the text of all motions made and duly seconded and voted on,
 - b. the names of the moving and seconding Board members, and the results of the vote; and
 - c. if the Board votes to approve or disapprove an application, the decision detailing the reasons therefor and all conditions of approval.
- 252.2 Minutes shall be available and open to public inspection at the town office during regular business hours within five (5) business days of the public meeting as required in RSA 91-A:2,II.
- 252.3 Minutes shall be distributed by email to the Board for their review. Approval of the minutes by the Board shall take place at the next meeting. The Chair, or a Board member designated by the Chair, must read and certify that the final document correctly incorporates the amendments and corrections approved by the Board.

- 252.4 The Planning Board clerk must deliver the approved, final minutes to the Land Use Assistant, to be posted to the Town website within 5 days following their approval by the Board. A printed copy of the final minutes must be retained in the Board's records.

Section 260 Joint Meetings and Hearings

- 260.1 RSA 676:2 provides that the Planning Board may hold joint meetings and hearings with other "land use Boards" including the Zoning Board of Adjustment, Heritage Commission, and the Building Inspector, and each Board shall make its own decision about holding such joint meeting or hearing.
- 260.2 Joint business meetings with another local land use board may be held at any time when called jointly by the Chairs of the two boards.
- 260.3 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.
- 260.4 The Planning Board Chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
- 260.5 The Rules of Procedure for joint meetings and 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:
- a. Call to order by Chair;
 - b. Introduction of members of both boards by roll call;
 - c. Explanation of reason for joint meeting/hearing by Chair or designated individual;
 - d. In the case of a public hearing relative to a requested permit or an application for a plat approval, or both, the applicant shall be called to present the proposal;
 - e. Deliberation and questions by Board members; and,
 - f. Adjournment.
- 260.6 Each Board involved in a joint hearing makes its own decision, based on its criteria for the particular matter under consideration. The Board may deliberate and make its decision at the joint meeting.

Section 270 Site Walks

- 270.1 A "site walk" is defined as a visit by the Board, or a member of the Board, and representatives of Town departments and other Town Boards and Commissions who have an interest in the proposal, to a location which is the subject of an application before the Board, where the visit is in the company of the owner, applicant, their agents or employees, and abutters, and involves going onto the property or visiting areas which are not customarily available for public inspection.
- 270.2 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.
- 270.3 When the Board schedules a site walk for Board membership, it shall be posted as a meeting of the Board in accordance with RSA 91-A
- 270.5 A site walk is an opportunity for the Planning Board and others to visit a site and gather information through viewing the location in conjunction with prepared plans and asking questions of the applicant and/or their agent or representative. A site walk is not the venue for making decisions on an application. Any comments, motions or directions to the applicant should be made at the next hearing on the application.
- 270.6 Minutes of site walks shall be kept only if there is a quorum of the Board conducting the site walk. Notes of all site walks shall, however, be made for the purpose of reporting the findings. Such notes are public records and shall be kept in the case master file.

Section 280 Amendments to the Zoning Ordinance

- 280.1 The Planning Board shall follow the requirements of RSA Chapter 675 to enact amendments to the town's Zoning Ordinance.
- 280.2 Amendments are submitted in the form of warrant articles on the ballot in the town's election held in March of each year. Each warrant article shall address a single topic, which may include changing more than one section of the ordinance. The text of the amendment must include, verbatim, every change in the language of the ordinance.
- 280.3 The Board must submit the final form of any amendments to the Town Clerk no later than the fifth Tuesday prior to the election at which action will be taken by the voters. To meet this deadline, the Board must approve the final form of any amendments at a public hearing at its January monthly meeting.

- 280.4 The Board shall begin considering amendments at its September meeting. It shall schedule such public hearings and special work sessions as required to meet the January deadline.
- 280.5 If a public hearing results in the Board making substantive alterations to a draft amendment, it shall schedule an additional public hearing to consider the new draft. This hearing shall take place no less than 14 days after the prior hearing and with public notice as required by RSA 675:7.
- 280.6 If an amendment is submitted by petition under RSA 675:4, the Board shall hold a public hearing on the amendment in accordance with RSA 675:4.II. The Board shall decide to approve or disapprove of the proposed amendment and shall forward the amendment unaltered and communicate its decision in writing to the Town Clerk for notation on the ballot no later than the fifth Tuesday before the Town Meeting.
- 280.7 After amendments are approved by the Town Meeting, the Chair shall be responsible for updating the Zoning Ordinance. The amended ordinance shall be distributed to board members, the code enforcement officer, and town staff, and shall be posted on the town website within 30 days after the Town meeting.

Section 290 Planning Board Staff

- 290.1 The Planning Board staff may consist of a Planning Board Clerk, whose duties shall be taking and preparing the minutes of the Planning Board, providing the minutes to Town staff, and assisting the Chair with duties as assigned.
- 290.2 Additionally, Town administrative staff may receive submissions, assist with regulation requests, maintain the master case file and other Board files, and respond to procedural questions.

Section 300 Sub-Committees

- 300.1 The Planning Board shall, when deemed necessary, appoint sub- committees to include at least one member or alternate member of the Board who shall serve as Chair of the sub-committee. The membership and length of time that the sub-committee will be in effect may vary depending on the issue being investigated by the sub-committee.
- 300.2 All sub-committee members must be residents of the Town of Lyndeborough. If deemed applicable to the issues at hand, Town employees or contractors who are not residents may be appointed as ex-officio members of the sub- committee.

- 300.3 The Planning Board member of the sub-committee shall attend at least one subcommittee meeting per calendar quarter and shall report to the Planning Board on the progress of the sub-committee on a regular basis.
- 300.4 The sub-committee shall operate under the authority and direction of the Planning Board. The sub-committee's projects shall be authorized and approved by the Planning Board before initiation. All proposals from the sub-committee shall be approved by the Planning Board before public hearing or review. All proposals from the sub-committee shall indicate the sub-committee members in favor, opposed to and abstaining from the vote on the proposal.
- 300.5 The sub-committee shall have no voting rights on the Planning Board, nor any legal authority within Town government. The sub- committee shall be a working task force and advisory body that is an extension of the Planning Board. The sub-committee's goals, functions and activities exist so long as approved by the Planning Board.
- 300.6 Any action or decision by the sub-committee can be overturned by a simple majority of the Planning Board.
- 300.7 Other officers, such as a Vice Chair, may be appointed by the sub-committee members as they deem appropriate.
- 300.8 The Agenda for the meetings of the sub-committee shall be posted in accordance with RSA 91-A:2,II.
- 300.9 Sub-committee meeting minutes shall be delivered to the Town staff within five (5) business days of the meeting to be available for public inspection during regular business hours as required by RSA 91-A:2,II.
- 300.10 The Planning Board Clerk and Town staff will be available to assist sub- committees with posting notices, making photocopies, distributing information and so on.
- 300.11 The Planning Board will be available to hold public input gathering sessions on any sub-committee proposals. Said sessions must be requested by the sub-committee and the Planning Board must approve same prior to scheduling at a Planning Board meeting.

Section 310 Capital Improvement Plan

- 310.1 Annually, at its first regular meeting following the Town Meeting, the Planning Board shall appoint members of a Capital Improvement Plan Committee ("CIP Committee"). The CIP Committee shall have at least three members not including ex-officio members. The Planning Board Chair shall serve as an ex-officio member of the CIP Committee but shall not be Chair of the committee. The Town Administrator may serve as an ex-officio member of the committee.

All members of the CIP Committee shall be Lyndeborough residents excepting the Town Administrator.

- 310.2 The CIP Committee shall at least annually meet with all town departments to develop a plan for meeting their future capital funding needs for a minimum of six years. The plan should address when and how all town vehicles will be replaced as well as covering infrastructure such as buildings, bridges, and roads.
- 310.3 The purpose of the CIP Committee is to develop a financial plan for funding the future capital needs of the town in a way that minimizes the impact of future expenditures on the town's tax rate. It is the intent of the town's governing body to avoid incurring debt. Whenever possible, the CIP Committee shall recommend to the Selectmen a plan to create capital reserve funds for funding future expenditures to be pre-funded.
- 310.4 The role of the CIP Committee is to take the department requests and prepare a plan which it shall submit by December 1st to the Budget Committee and the Selectmen. The decision to create a reserve fund for any item is proposed as a warrant article by Selectmen and submitted to the town's legislative body at Town Meeting.

Section 320 Board Finances

The Planning Board budget is under the supervision of the Planning Board Chair. All funds received by the Board are given to the Town Finance Officer, along with an explanation of the intent of the funds (application fee, escrow, road bond, etc.). Expenses are authorized using the Town's purchase order policy.

Section 330 Forms

All forms prescribed herein, and revisions thereof shall be adopted by resolution of the Planning Board and shall become part of these Rules of Procedure.

Section 340 Severability Clause

If any provision herein shall be held to be invalid, for any reason, by a court of law, such holding shall not invalidate any other provisions contained in these Rules of Procedure.

On May 19, 2025 these Planning Board Rules of Procedure were adopted by the Town of Lyndeborough Planning Board, replacing the previous Planning Board Rules of Procedure last adopted at the March 15, 2018 Planning Board Meeting.

Appendix A Form of Notice of Decision

**Planning Board
Notice of Decision**

Case # **YEAR-NUMBER**, Map-Lot-Sublot **XXX-XXX-XXX**
OWNER NAME(S), **PROPERTY ADDRESS**

On **MONTH DAY, YEAR**, at a duly noticed public hearing(s), with respect to the case number cited above, the Lyndeborough Planning Board voted to take the following action on the application:

INTRODUCTORY DESCRIPTION

- ☐ **APPROVED**
- ☐ **APPROVED WITH CONDITIONS**
- ☐ **DENIED**

DETAILS INCLUDING ALL CONDITIONS

Signed,

NAME
Planning Board Chairman

Date Signed
Lyndeborough, NH

cc: Board of Selectmen

Appendix B List of Land Use Forms

Land Use forms, applications and regulations are available at the Town Office and online at www.town.lyndeborough.nh.us.

Subdivision Application and Checklist

Subdivision Regulations

Non-Residential Site Plan

Home Business Application

Excavation Site Plan Review

Excavation Regulations

Street and Road Design Standards

Driveway Permit Application

Driveway Permit Fees

Driveway Regulations

Building Code

Zoning Regulations

Zoning Lot Requirements Summary

Fee Schedule

Conditional Use Permit