

**BRADFORD PLANNING BOARD**  
**Town of Bradford**  
**Rules of Procedure**

**AUTHORITY**

1. These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, 1983, Chapter 676:1

**OFFICERS**

1. A chair shall be elected annually by a majority vote of the board at the first meeting following Town Meeting in March. S/he shall preside over all meetings and hearings, appoint such committees as directed by the board and shall affix her/his signature in the name of the board.
2. A vice-chair shall be elected annually by a majority vote of the board at the above meeting. The vice-chair shall preside in the absence of the chair and shall have the full powers of the chair on matters that come before the board during the absence of the chair.
3. A clerk may be elected annually by a majority vote of the board in the month of March. S/he shall maintain the records of the board.
4. All officers shall serve for one year and shall be eligible for re-election.

**MEMBERS AND ALTERNATES**

1. The Planning Board shall consist of six members (elected by the voters), and one Selectmen designated by the selectmen to serve as ex-officio member. The ex-officio member shall exercise all the powers of regular members of the board.
2. All members must be residents of Bradford and are expected to attend each meeting of the board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the chair as soon as possible.
3. Up to five alternate members shall be appointed by the Planning Board as provided by RSA 673:6, II. The alternate for the selectmen shall be appointed by that board and the term shall be the same as that of the respective member and may be in addition to the alternates appointed by the Planning Board. Alternates should attend meetings to familiarize themselves with the workings of the board and should be available to serve whenever a regular member of the board is unable to fulfill her/his responsibilities. Prolonged unexcused absences by an alternate member shall be grounds to request resignation of that alternate from the board.
  - a. If any regular board member is absent from any meeting or is disqualified 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. Alternates shall be in all respect's full members of the board while so sitting.
  - b. To ensure continuity on any subsequent action, the chair will attempt to seat the same members as were seated for the original action.
4. Elected members of the Planning Board may also serve on any other municipal board or commission, provided that such multiple membership does not result in 2 planning board members serving on the same board or commission. Every alternate member appointed by the Planning Board shall comply with the multiple membership requirements.

5. All members present at a meeting may participate in the discussion of an issue before the board (unless disqualified). All seated members shall vote to approve or disapprove all motions under consideration.

## MEETINGS

1. The Planning Board shall hold at least one regular meeting in each month. Meetings shall be held at the Town Hall (currently Town Office) at 7:00p.m. on the fourth TUESDAY of each month. Other meetings may be held at the call of the chair provided public notice is posted at the Post Office and Town Hall Bulletin Board and notice is given to each member at least forty-eight (48) hours, excluding Sundays and legal holidays, prior to such meetings.
2. Quorum. A quorum for all meetings of the board shall be four members, including alternates sitting in the place of members.
3. [Virtual Meeting Participation. Members, including seated alternates, may participate in a meeting via a virtual platform provided there is an in-person quorum at the physical meeting location. Additionally, virtually participating members or alternates may vote provided there is an in-person quorum.](#)

## DISQUALIFICATION

1. If any member finds it necessary to disqualify her/himself from sitting in a particular situation, as provided in RSA 673:14, s/he shall notify the chair as soon as possible so that an alternate may be requested to sit in her/his place. When uncertainty arises as to whether or not that section applies to a board member in particular circumstances, the board shall, upon request of that member or another member of the board, vote on the question of whether that member should be disqualified. Any such request shall be made prior to or at the commencement of any required public hearing. Such a vote shall be binding.
2. The disqualification shall be announced by either the chair or the member disqualifying her/himself before the beginning of the public hearing. The disqualified member shall absent her/himself from the board table during the public hearing and during all deliberations on the application.

## ORDER OF BUSINESS

The order of business for regular meetings shall be as follows:

- a. Open
- b. Roll call
- c. Minutes of previous meeting
- d. Receipt of applications/preliminary discussions (if scheduled in advance)
- e. Public hearing(s)
- f. Unfinished business
- g. Public comments
- h. New Business
- i. Communications and miscellaneous
- j. Adjournment

## DEFINITIONS

1. Days: Days shall mean calendar days.

## APPLICATIONS

1. Application procedures as provided by RSA 676:4 are detailed in SECTION 5 of the Bradford Subdivision Regulations and shall apply to applications for both Subdivision and Site Plan Review.
  - a. Each application for a hearing before the board shall be made on forms provided by the board and must be submitted at least 15 days before the date of the scheduled meeting at which the board is to begin discussion.
  - b. The application should be date stamped when it is submitted.
  - c. Costs of all required notices and fees must be paid for by the applicant at the time the application is presented to the board.
  - d. All forms and amendments shall be adopted by resolution of the board and shall become part of these rules of procedure.
2. Time Periods for submission, acceptance and approval are governed by the requirements of RSA 676:4.

## RECONSIDERATION

1. An administrative appeal alleging error in any decision or determination made by the Planning Board in the enforcement of the zoning ordinance may be made to the Zoning Board of Adjustment.
2. When a decision has been made concerning specific requirements relating to either subdivision or site plan, an applicant may request the board to reconsider its decision. Such a request for reconsideration must be in writing and submitted to the board within 20 days of the original decision. The board may act on such a request only once.
3. A board vote to approve or disapprove a completed application, subsequent to the public hearing, may not be reconsidered. RSA 677:15 provides for appeal to superior court by anyone aggrieved by a decision of the Planning Board.

## PUBLIC NOTICE

1. Public notice of public hearings on each application shall be posted at the Post Office and the Town Hall Bulletin Board not less than ten (10) days before the date fixed for the hearing. Notice shall include the name of the applicant, description of property including tax map identification, type of application and the date, time and place of the hearing.
2. Personal notice shall be made by certified mail not less than ten (10) days before the date of the hearing to the applicant, all abutters, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board. Said notice shall contain the same information as the public notice.

## PUBLIC HEARING

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

- a. The chair shall call the hearing into session and read the application. A report shall be made on how public notice and personal notice were given.
- b. Members of the board, through the chair, may ask questions at any point during the hearing.
- c. Each person who appears shall be required to state her/his name and address and indicate whether s/he is a party to the application or is representing the applicant.
- d. The applicant shall be called to present the details of the application
- e. The public shall be allowed to speak.
- f. Anyone who wants to ask a question must do so through the chair.
- g. The chair shall present a summary setting forth the details of the application. Opportunity shall be given for correction from the floor.
- h. The hearing shall be declared closed and the next public hearing opened.

## DECISION

1. Notice of the decision shall be made within the time period specified by statute. A copy of the decision will be **provided to the applicant and made available for inspection within seventy-two (72) hours**, as required by RSA 676:3.
2. If the application is not approved, the board shall provide the applicant with written reasons for the disapproval.
3. Copies of the notice of decision will be provided to the code enforcement officer, Zoning Board of Adjustment, and Board of Selectmen as deemed appropriate in each instance.

## RECORDS

The Planning Board is responsible for maintaining the integrity of its files. To this end, the records and files will be kept in a secure location within the town office building and shall be made available for public inspection in accordance with statutory requirements.

1. Final written decisions will be placed on file and be available for public inspection within five business days of the vote. RSA 676:3.
2. Minutes of all meetings, including names of board members, persons appearing before the board, and a brief description of the subject matter, shall be open to public inspection within five business days after the public meeting, RSA 91-A:2, II. Minutes of meetings are available in the note book housed in the Selectmen's office and online at [bradfordnh.org](http://bradfordnh.org) in addition to the Planning Board files.
3. Someone requesting access under the Right-to-Know statute shall be asked to put the request in writing. If s/he declines, a written record shall be created that includes the date of the request and a description of the specific records being requested. When immediately available records are requested, the written record shall document what planning board records were provided for inspection and/or which were copied. [Attorney General's Memorandum re: Right-to-Know Law 2009: V. Governmental Records K. Public Inspection.
4. Requests for planning board documents shall be submitted to the planning board secretary or chair. Whenever possible, the planning board secretary or a planning board member shall be

present during town office hours for file review. The planning board secretary, a planning board member, or a member of the town office staff must be present during the file review to prepare the written record.

5. Meetings and hearings may be recorded. Any person requesting a copy or copies in any form shall be asked to put the request in writing. If declined, the procedure above creating a written record shall be followed. The person making the request shall pay the total cost of making copies at the time of request.
6. Unless specifically requested by applicant, abutter, or other interested party at the final public hearing approving or disapproving an application, recordings shall be discarded once the minutes of that meeting have been approved by the Board.

## AMENDMENTS

These rules of procedure may be amended by a majority vote of the members of the board provided that such amendment is read at two (2) successive meetings immediately preceding the meeting at which the vote is to be taken.

## JOINT MEETINGS AND HEARINGS

1. RSA 676:2 provides that the planning board may hold joint meetings or hearings with other town “land use boards”. Each board shall have discretion as to whether or not to hold a joint meeting with any other land use board.
2. The Chair of the Planning Board shall serve as chair of any joint meeting or hearing in which that board is involved.
3. Joint business meetings with any other land use board may be held at any time when called jointly by the chair of the two boards.

## APPENDIX 1

### Summary of Bradford Planning Board Application Procedures Per RSA 676:4 (Used for both Subdivision and Site Plan Review)

#### 1. Preliminary Consultation

Anyone considering subdividing land in Bradford, developing a multi-family residence, establishing a commercial or industrial business or altering or changing the use a business should talk with the Planning Board as early as possible in the planning process. This can be done by making an appointment with the chair or coming to a regularly scheduled meeting of the Board – 2nd and 4th Tuesdays of each month at 7:00 pm. Discussion is limited to:

- Basic concept of proposal, including rough sketch
- Land use policies based on Master Plan
- Questions of interpretation
- Applicability of zoning ordinance and/or site plan regulations

Such preliminary discussion will not bind either board or applicant, is separate from formal consideration by the Board. Time limits do not apply. Discussions can continue until applicant is satisfied that the regulations are understood and is ready to proceed with a formal application.

#### 2. Filing and Submission

- a. 21 days before the next board meeting file with the selectmen's office a general description of the proposal together with a list of names and addresses of abutters.
- b. The Board must begin formal consideration within 30 days of the filing or at its next regularly scheduled meeting.
- c. At that meeting, with abutters and the general public duly notified, the applicant must submit the completed application as specified in the Subdivision/Site Plan Regulations.
- d. All fees must be paid before formal acceptance of the application. Failure to do so shall be valid grounds to terminate consideration and disapprove without a public hearing.
- e. If the Board determines that the application is incomplete, the applicant shall be notified in writing along with the information or other requirements necessary to be complete.

#### 3. Notices

- a. Applicant and all abutters are notified by certified mail, return receipt requested, of meeting at which application will be formally submitted to the Board. Notice must include general description of the proposal, name of applicant, location, and time and place of meeting. Notice to general public given at same time by posting in two public places in Bradford.
- b. Notice for the public hearing to act on the application may be included, indicating that, if the application is accepted as complete, the public hearing will follow or scheduled for a later date.

#### 4. Public Hearing

No application shall be approved or disapproved without a public hearing. The public and abutters must have been given proper legal notice. The following exceptions to the public hearing requirement include:

- disapproval based on failure to submit required information,
- failure to pay required fees,

- voluntary mergers per RSA 674:39-a.
- site plan revision
- boundary line adjustment and modified site plan unless the board determines a hearing should be held.

5. Action of the Board

- If the Board determines that a submitted application is complete, the Board shall begin formal consideration and shall approve, conditionally approve, or disapprove within 65 days. Extension may be granted as provided by RSA 676:4 I. (f).
- Approval shall be certified by written endorsement. Reasons for disapproval shall be stated in the Board's records and the applicant notified in writing with the reasons stated.
- Procedures for appeal per RSA 677:15 are to Superior Court and must be filed within 30 days after the decision has been filed and first becomes available for public inspection.
- Conditional approval may be granted. If said conditions are other than administrative or non-discretionary, a further public hearing, with notice to abutters, applicant and public, will be required. Approval may be withdrawn by the Planning Board if the conditions are not met within 45 days.
- It is the policy of the Board when acceptance and hearing for approval are held at the same meeting to delay the vote for approval until the following meeting unless there are sufficient extenuating circumstances.
- One copy of the approved plat is to be filed with the selectmen's office.

Fee Schedules:

SUBDIVISION:

APPLICATION	\$25.00
SUBDIVISION PER LOT	\$30.00
BOUNDARY LINE ADJUSTMENT	\$25.00
ABUTTER NOTICE (EACH)	Cert Mail cost per/abutter
RECORDING FEE AT MCRD	\$26.00

SITE PLAN REVIEW:

FULL & MODIFIED SITE PLAN	
MINIMUM	\$50.00
+ \$1.00 PER \$1000 over \$50,000	
PER ABUTTER	Cert Mail cost per/abutter
SITE PLAN REVISION	\$10.00