



**TOWN OF STRATHAM**  
*Incorporated 1716*  
10 Bunker Hill Avenue, Stratham NH 03885  
Planning Department (603) 772-7391, option 4  
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## **PLANNING BOARD RULES OF PROCEDURE**

### **ARTICLE 1. AUTHORITY**

These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (**RSA 676:1**).

### **ARTICLE 2. MEMBERS AND ALTERNATES**

- A. The Planning Board shall consist of FIVE (5) members. The Select Board shall appoint FOUR (4) residents of the Town of Stratham to serve as voting members and shall designate ONE (1) select board member to serve as an ex-officio member with the same rights and duties as the voting members.
- B. Selection, qualification, term, removal of members, and filling of vacancies shall conform to **RSA 673**.
- C. Alternate members may serve on the Planning Board as authorized by **RSA 673:6** and participate as nonvoting members.
- D. Up to TWO (2) residents of the Town of Stratham may be appointed by the Select Board to serve as alternate members of the Planning Board. Alternate members should attend all meetings to familiarize themselves with the workings of the Board to stand ready to serve whenever a voting member of the Board is unable to fulfill his/her responsibilities.
- E. 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 the unexpired term of a vacancy may participate with the Board in a limited capacity. During a public hearing, alternates shall sit at the table with the voting members and may view documents, listen to testimony, and actively participate and interact with other Board members, the applicant, abutters, and public.

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 prior to hearing the application.

- F. Members 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 Planning & Building Office as soon as possible. Members, including the Chair and all officers, shall participate in the decision-making process, unless disqualified from doing so or if they recuse, and vote to approve or disapprove all motions under consideration.
- G. Each newly appointed or re-appointed member shall be sworn in and take an oath of office as required by **RSA 42:1**, and the Board further recommends that each newly appointed or re-appointed member complete the training offered by the Office of Energy and Planning pursuant to **RSA 673:3-a**.
- H. The Planning & Building Office shall obtain from the Select Board the appointment and expiration dates of the terms of each member of the Planning Board.

### ARTICLE 3. OFFICERS

The officers of the Board shall be as follows:

- A. Chair: The Chair shall preside over all meetings and hearings and shall perform all other duties customary to the office
- B. Vice-Chair: 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 in the absence of the Chair.
- C. In the absence of the Chair and the Vice Chair at any meeting, a Presiding Member Pro Temp shall be designated by the Chair or Vice-Chair and if they fail to do so, shall elect by majority vote of the members present and shall thereafter act as the presiding officer to call the meeting to order.
- D. The officers of the Board shall be elected annually as soon as practicable, after the Board of Selectmen appoint(s) members to any vacancy and those appointments have been qualified. Election of Officers shall be by majority vote of the Planning Board.

### ARTICLE 4. MEETINGS

- A. **Regular Meetings:** shall be held monthly on the first and third Wednesdays of each month, or with proper notice of date and time at a place designated by the Chair. Meetings are held at the Municipal Center located at 10 Bunker Hill, Stratham, NH 03885 at 7:00 PM unless otherwise designated.
  - 1. An individual who anticipates submitting a formal application for a subdivision approval shall be required to consult with the Planning Board prior to submission of the formal application and supporting documentation in accordance with Town Meeting vote on March 8, 2005.
  - 2. An individual who anticipates submitting a formal application for a site plan review approval shall be required to consult with the Planning Board prior to submission of the formal application and supporting documentation in accordance with the Town Meeting vote on March 14, 2006.
  - 3. Only for Preliminary Conceptual Consultation applications, all materials to be considered at a Board meeting shall be submitted to the Chairperson of the Planning Board c/o the Town of Stratham Planning Office, prior to 12:00 PM at least fifteen (15) calendar days in advance of a regularly scheduled Planning Board meeting.
  - 4. For Design Review and Formal Applications, all materials to be considered at a Board meeting in order to determine whether an application is complete pursuant to the Town's Subdivision and Site Plan Regulations, internal policies, and **RSA 676:4, I (b)**, shall be submitted to the Chairperson of the Planning Board c/o the Town of Stratham Planning Department, prior to 12:00 PM at least twenty-one (21) days in advance of a regularly scheduled Planning Board meeting. Once it is determined that all required checklist items are provided, the plans will be scheduled for review by the Planning Board. The Department of Planning and Building office shall provide these materials to the Board four (4) days prior to the meeting.
  - 5. Once an application has been accepted as complete, any additional materials requested by the Board and/or submitted by the applicant, town staff, abutters, or any other party or entity with standing to appear and provide comment, shall provide those materials to the Department of Planning and

Building office no later than fifteen (15) days prior to the meeting at which they will be discussed/considered.

6. The Department of Planning and Building office shall provide these materials to the Board four (4) days prior to the meeting. Failure of the Department of Planning and Building office to provide the materials four (4) days prior, does not constitute grounds to challenge any decision by the Board.

B. **Special meetings:** May be called by the Chair or in her/his absence, by the Vice-Chair, or at the request of three members of the Board, provided public notice and notice to each board member is given at least 24 hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting. Emergency meetings are an instance of special meeting and are to be conducted pursuant to **RSA 91-A:2 (II)**.

C. **Nonpublic Sessions:** Shall be held only in accordance with **RSA 91-A:3**.

D. **Quorum:** A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of voting members.

E. **Alternates:** If any voting member is absent from a meeting or hearing or disqualifies her/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. Such alternate shall have all the powers and duties of a voting member in regard to any matter under consideration on which the alternate has been appointed

F. **Absent Voting Member:** If the Board's consideration of action on the application at issue extends to a subsequent Board meeting or hearing, a voting member who was not in attendance at the first meeting may resume his/her role as a full voting member provided the voting member has reviewed the minutes and any materials submitted at any prior meetings at which the voting member was not present

G. **Disqualified Voting Member:** The alternate should continue in place of the voting member until the Board's action on the application is completed.

H. **Disqualification**

1. If any member finds it necessary to be disqualified from sitting on a particular case, as provided in **RSA 673:14**, they shall notify the Chair as soon as possible so an alternate may be appointed to fill the vacancy. The disqualification shall be announced by either the Chair or the member before discussion or public hearing on the application begins. The member disqualified shall leave the Board table during the Board's consideration of and deliberations on the application.
2. If uncertainty arises as to whether a Board member should disqualify themselves, the Board may exercise its ability pursuant to **RSA 673:14, II**.

I. **Order of Business shall be as follows:**

1. Call to Order (Chair)

At the time appointed for any meeting of the Board, the Chair or, in his/her absence, a designated presiding officer shall be determined and take the Chair and call the meeting to order. If a quorum is present, as defined in this section, the presiding officer shall proceed with the order of business prescribed for the meeting.

2. Roll Call (Individual Members)

The roll of members shall be called, and their presence or absence recorded.

3. Minutes for Review and Approval of Previous Meeting received, reviewed, approved.

Minutes shall record the vote on each agenda item and summarize public comments as well as the concerns, recommendations, and explanations of votes made by Board Members and Alternate Board Members. Except as noted for recused Members, all Members present when Minutes are being discussed are eligible to participate. Voting Members and Alternate Members that were recused from an agenda item are not eligible to participate in the discussion of that item during review and approval of minutes but are eligible to participate on all other items. Changes to minutes may be suggested by eligible members and the minutes shall be changed or not changed based on the consensus of eligible members. After all items of the minutes have been discussed and modified as agreed, the Chair shall approve the minutes as a whole majority vote.

4. Action Items:

- i. Hearing(s) on subdivision/site plans, continuation requests, and extension requests with public comment following each presentation as might be on the agenda;
- ii. Conditional Use Permit Application;
- iii. Open non-binding consultation with people seeking a preliminary conceptual review or design review.
- iv. Route 33 Heritage Applications

5. Miscellaneous:

- i. Report of Officers/Committees;
- ii. Member Comments;
- iii. Staff Notes/Correspondence;
- iv. Other business that may come before the board.

6. Adjournment

**J. Supplemental Information:**

- 1. The Board reserves the right to modify the order of agenda items as appropriate. For example, it may work more efficiently for the Board to consider brief agenda items at the outset, and to place longer agenda items following.
- 2. Motions: Such motions as will facilitate the process of the Board may be allowed by the Chair. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members voting. On all matters concerning an application before the Board, voting shall be recorded by roll call. On process and procedural matters, the manner of voting shall be at the discretion of the Chair.
- 3. Meeting Decorum: The presiding officer shall be responsible for the orderly conduct of business at each Board meeting. While the Board is in session, the members of the Board are expected to preserve order and decorum and the Chair shall monitor that expectation. As illustration and not

limitation no Board member shall, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Board or disturb any member of the Board while speaking except as may be provided herein.

## **ARTICLE 5. MEMBER'S PARTICIPATION IN TRAINING**

There are several seminars and conferences available to members where training seminars are given. Members and alternates are encouraged to attend one training seminar during the course of each year. Members and alternates are reminded that their re-appointment takes into account seminar attendance, among other factors.

Should a member, alternate or regular, attend a seminar and incur an admission fee or mileage fee, the member may submit proof of payment to the Chairperson who shall ask for reimbursement from the Department of Planning and Building office.

## **ARTICLE 6. APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW**

- A. Applications shall be made on forms provided for that purpose and shall be presented to the Board's designee who shall sign and record the date of receipt.
- B. Notice shall be given as required in **RSA 676:4, I(d)**. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing.
- C. As required in 676:4, I (c): The Board shall decline to accept any application which is not complete.
- D. Additional Submittals: Additional information, updated plans, and any other material submitted by the applicant, or any other party with standing, shall provide materials to the Planning & Building office no later than 15 days prior to the meeting at which they will be discussed/considered.

## **ARTICLE 7. FORMS**

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

## **ARTICLE 8. FEES**

The fees payable for each application by the applicant are as follows:

- A. Site Plan Review Application Fees:
  - 1. Preliminary Conceptual Consultation: \$100.00 application fee.
  - 2. Design Review: \$300.00 application fee plus Notice Costs.
  - 3. Minor Site Plan Review: \$200.00 application fee for each 1,000 square feet of building construction with a minimum of \$200.00 plus Notice Costs.
  - 4. Major Site Plan Review: \$350.00 application fee for each 1,000 square feet of building construction with a minimum of \$350.00 plus Notice Costs.

5. Site Plan Amendment: \$200.00 application fee for each 1,000 square feet of building construction with a minimum of \$200.00 plus Notice Costs.
- B. Subdivision Application Fees:
1. Preliminary Conceptual Consultation: \$100.00 application fee.
  2. Design Review: \$300.00 application fee plus Notice Costs.
  3. Minor Subdivisions:
    - a. \$200.00 application fee for the first lot, plus \$200.00 for each lot or unit thereafter plus Notice Costs.
    - b. LCHIP (\$25, or as revised, payable to the Rockingham County Registry of Deeds.).
    - c. Exact Recording Fees (Payable to the Rockingham County Registry of Deeds.).
  4. Major Subdivisions:
    - a. \$500.00 application fee for the first lot, plus \$150.00 for each lot or unit thereafter plus Notice Costs.
    - b. LCHIP (\$25, or as revised, payable to the Rockingham County Registry of Deeds.).
    - c. Exact Recording Fees (Payable to the Rockingham County Registry of Deeds.).
  5. Lot Line Revision:
    - a. \$150.00 application fee plus Notice Costs.
    - b. LCHIP (\$25, or as revised, payable to the Rockingham County Registry of Deeds.).
    - c. Exact Recording Fees (Payable to the Rockingham County Registry of Deeds.).
- C. Voluntary Merger: \$25 application fee per merger.
  - a. Includes certified mailing fee to and return postage from Rockingham County Registry of Deeds for recording.
  - b. Additional exact Recording Fees (Payable to the Rockingham County Registry of Deeds.).
- D. Conditional Use Permit: \$250.00 application fee plus Notice Costs.
- E. Residential Open Space Cluster Development Conditional Use Permit: \$1000.00 application fee plus Notice Costs.
- F. Route 33 Legacy Highway Heritage District application:
  1. \$50 for an existing residential or agricultural application.
  2. \$150 for a new residential application plus \$100 per new housing unit.
  3. \$150 for a minor commercial/mixed-use application where no more than 1,500 square feet of additional interior space is proposed.
  4. \$150 plus \$100 per 1,000 square feet for a major commercial/mixed-use application where more than 1,500 square feet of additional interior space is proposed.
  5. The Route 33 Heritage District application fee shall not exceed \$450.
- G. Special Event Permit: A fee of \$25 (for a single event) or \$50 (for two to four events).
- H. Notice Costs: \$50.00 plus \$10.00 per property owner, applicant, abutter (as defined in **RSA 672:3**), and each agent/attorney/consultant/interested party entitled to notice under New Hampshire Law, for

the costs of all notice requirements including the cost of postage for certified mail, reproduction costs, and any publication and/or posting costs.

- I. Special Investigative Costs: The Planning Board may require the applicant to pay reasonable costs of special investigative studies, which may be necessary for the Planning Board to evaluate properly the impact of a proposed subdivision.
- J. Rockingham County Recording Costs: The applicant shall prepare a check payable to the Rockingham County Registry of Deeds for submission to Rockingham County after the subdivision has been approved. The amount shall be determined by Rockingham County at the time of submission and a \$25 fee shall be charged by the Town for transportation costs for every trip to the Registry of Deeds. Check and mylar shall be submitted to the Planning Department. It will be the responsibility of the Town to record all approved plans.
- K. Municipal Review Costs: The Board will require the applicant to reimburse the Town for the cost of having duly appointed agents of the municipality review a submitted plan. Such costs may be encountered in the following instances:
  - i. Witnessing of test pits by an agent designated by the Planning Board.
  - ii. Review of roadway design, drainage and stormwater management, and erosion and sediment control plans by an agent appointed by the Planning Board.
  - iii. Periodic construction inspections and/or tests.
- H. The applicant shall pay for all additional fees for public notice and certified mail resulting from the following:
  - 1. A rehearing being granted on an application, regardless of who requests the rehearing, and/or
  - 2. Any other hearing on the application which requires additional public notice because of an appeal to the superior court or any other intervening litigation, or for any other reason.
- I. Failure of the applicant to pay for all additional fees for public notice and certified mail required in Article VIII shall result in the Board taking whatever action, including but not limited to revocation of the approval, as it deems just and reasonable under the circumstances.
- J. If the need for additional public notice is entirely due to the fault of the Board, the Board shall pay for the additional notice.
- K. If the Select Board is seeking the rehearing or is otherwise primarily responsible for the requirement for additional fees for public notice or otherwise, then the town, and not the applicant, shall pay for all such notice fees.

## **ARTICLE 9. NOTICE**

For any meeting on any application for which notice is required, pursuant to **RSA 676:4 I (d)**, the Board shall notify the applicant; abutters (as defined in **RSA 672:3** as amended); professionals whose seals appear on the plat; and holders of restrictions under **RSA 477:45** by certified mail at least ten (10) days

prior to the meeting and on Town's website, posting in two (2) public spaces. The notice shall include a general description of the proposal and shall identify the applicant and the location of the land.

The Board may combine notice of submission and public hearing on a particular application in one notice.

## **ARTICLE 10. PUBLIC HEARINGS**

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

- A. The Chair shall call the hearing in session and shall read the application summary, report on the manner in which public and abutter notice was given, identify the applicant or agent, and ask for the Director of Planning & Building's report on the proposal.
- B. The Board shall vote on the determination of application completeness.
- C. If the application is determined to be complete by the Board, the Chair shall allow the applicant to present the application.
- D. Members of the Board may ask questions at any point during the presentation.
- E. Any party to the matter who desires to ask a question of another party must go through the Chair.
- F. The applicant or agent shall be called to present the proposal.
- G. The Chair shall ask for public comment.
- H. The Chair shall recognize alternately those in favor and opposed to the application to speak. At the Chair's discretion, prior to a person speaking for a second time, all individuals who may wish to speak for a first time shall be recognized.
- I. Any applicant, agent, abutter or 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.
- J. Each person who speaks shall be required to state her/his name and address and indicate whether s/he is a party to the matter or an agent or counsel to a party to the matter.
- K. 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 anytime during the Board's consideration of any application.
- L. To allow for the orderly function of the Board, the Chair may move that a time limit be set on individual speakers or when all debate shall end. Any motion to limit debate shall require a majority vote of the Board. The Board shall use the goal of ensuring that all who wish to be heard on an application are able to speak before the Board as their guide in determining to limit any debate.
- M. When it has been determined that all individuals have spoken, the applicant or their agent may be asked to give a closing statement.
- N. Comments during a public hearing shall be addressed only to the Planning Board concerning the pending application. An applicant may rebut or address comments at the conclusion of the public comments.
- O. The Chair shall indicate when the Board is no longer taking public comment and whether the hearing is closed or continued pending submission of additional material or information or the correction of noted deficiencies. There shall be no public comment once the public hearing is closed.



P. In the case of adjournment, additional notice is not required if the date, time, and place of the continuation are made known at the continuance.

Q. Continuations of Public Hearings:

1. A public hearing may be continued for any of the following reasons:
  - a. Upon written request of the applicant (if prior to a hearing) or upon oral request at the time of the hearing.
  - b. Planning Board meetings will end no later than 10:00 p.m. Any items remaining on the agenda will be heard first at the next scheduled meeting.
  - c. Upon the Board resolving that additional information or evidence is necessary, or for any other good cause (this includes site walk necessary).
2. Fees upon continuance: The Board will not levy fees for additional notice if, during the hearing, the matter is continued to a specific date and time.
3. Membership upon continuation of a hearing: In the event that a hearing is continued, all members and alternates shall use their best efforts to be present at the subsequent hearing. If a different member or alternate must sit in a subsequent hearing, then such different member or alternate shall review the file, all minutes taken to date, and view the subject site (if needed).
4. Alternate's status upon continuation of hearing: In the event that an alternate sits on a case and the case is continued, the alternate shall sit on all subsequent proceedings until the final decision is rendered on that case, even if a regular member becomes available, unless the alternate member must step down for other reasons.

R. Site Walk Necessary: Whenever a majority of board members believe it would be helpful, a site walk of the subject property shall be scheduled. The site walk shall be conducted at such other time as the Board shall agree. The time, date, and place of the site walk shall be given as part of the public notice for the application, appeal, or action. Board members intending to sit on the Board during the determination of a particular case are strongly encouraged to attend the site walk.

During the site walk, the applicant shall identify key aspects of the property that the applicant deems important for consideration by the Board. The site walk is not the appropriate venue for taking testimony, and the Chairperson should restrict any attempts by persons to testify during the site walk. The Chairperson should direct all such persons to attend the public hearing to offer testimony at the appropriate time.

S. When it has been determined that all individuals who may wish to speak or provide testimony have spoken, the Chair shall indicate whether the hearing is closed or adjourned pending the submission of additional material or 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. If a hearing is closed, the Board may move to final deliberations or continue the application to a future date for action without further public input or comment.

T. As needed, "Compliance Public Hearings" may be required pursuant **RSA 676:4, I(i)** in relation to "conditional approvals". See Article 11 below.

## ARTICLE 11. DECISIONS

The Board shall act to approve, conditionally approve, or disapprove an application within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in **RSA 676:4**.

The Board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. The decision shall include specific written findings of fact that support the decision., in accordance with **RSA 677:5** or **RSA 677:15**. If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The Board's written decision containing the reasons therefor and all conditions of approval, shall be placed on file in the Planning & Building Department Office and shall be made available for public inspection within 5 business days of such vote as required in **RSA 676:3**.

If an application is approved subject to conditions, the decision will state which conditions, if any, must be satisfied to obtain final approval of the application ("conditions precedent"), and which conditions need not be satisfied prior to final approval ("conditions subsequent").

As provided in **RSA 676:4, I(i)**, if an approval is subject to conditions precedent, the approval will become final upon certification by the Director of Planning and Building or other authorized official or upon evidence of satisfactory completion submitted by the applicant, but only if such conditions are (1) minor plan changes imposed by the board or staff, compliance with which is administrative and does not involve discretionary judgment by the board; (2) conditions that are themselves administrative and involve no discretionary judgment on the part of the board; or (3) conditions with regard to permits or approvals granted by other boards or agencies, including state and federal permits.

For any conditions precedent other than those described in the preceding paragraph, a further public hearing will be required to determine whether the conditions have been satisfied, with notice to the applicant, abutters, and others as provided in Article 9. The board will state in its decision which conditions, if any, will require a further public hearing.

## ARTICLE 12. RECORDS

- A. The records of the Board shall be kept in the Stratham's Department of Planning & Building and shall be made available for public inspection at that office as required by **RSA 91-A:4**.
- B. Minutes of the meeting, including the 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 (5) business days after the meeting as required in **RSA 91-A:2, II**.
- C. Motions shall be recorded as made, noting the motion maker, second, discussion, if any, and the vote.

### **ARTICLE 13. JOINT MEETINGS AND HEARINGS**

- A. The Planning Board may hold joint meetings and hearings with other “land use boards,” including the Zoning Board of Adjustment, and the Building Inspector. Each board shall have discretion whether or not to hold such joint meeting or hearing (**RSA 676:2**).
- B. Joint business meetings with another local land use board may be held at any time when called jointly by Chair of the two boards.
- C. 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.
- D. Site Walk meetings, other than the observations of the site, no evidence shall be taken and there shall be no discussion of the evidence or any deliberations. The Board shall refrain from making decisions, any comments, motions, or directions to an application at the site walk. Any decisions, any comments, motions, or directions to an application shall be made at the next public hearing.
- E. The Planning Board Chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
- F. 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:
  - 1. Call to order by Chair.
  - 2. Introduction of members of both Boards by Chair.
  - 3. Explanation of reason for joint meeting/hearing by Chair.
  - 4. 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 his/her proposal, and the public allowed to provide comment.
  - 5. Adjournment.
- G. Each Board involved in a joint public hearing makes its own decision, based on criteria for the particular matter.

### **ARTICLE 14. WAIVERS**

Any portion of these rules of procedure may be waived in such cases where, in the opinion of the board, strict conformity would pose a practical difficulty to the applicant, and a waiver would not be contrary to the spirit and intent of the rules.

### **ARTICLE 15. AMENDMENT**

The Planning Board’s Rules of Procedure may be amended by a majority vote of its members. Rules of procedure shall be adopted at a regular meeting of the Board and shall be placed on file with the Town Clerk for public inspection (**RSA 676:1**).