

Town of Kingston  
163 Main Street  
Kingston, New Hampshire 03848

## Kingston Planning Board

### *By-laws, Rules of Procedure and General Governing Rules*

As adopted May 2, 1988; amended November 7, 1989, April 27, 2010,  
November 16, 2010, June 17, 2014, December 15, 2015, November 21, 2017,  
February 6, 2018.

## By-laws, Rules of Procedure, and General Governing Rules

### Planning Board Town of Kingston, NH

---

*The Kingston Planning Board shall be governed by the provisions of all State statutes, local laws, ordinances and these bylaws adopted by the Board as provided in RSA 676:1.*

#### 1.0 Membership

The Kingston Planning Board shall consist of seven (7) members unless that number shall be changed by State law, or by the voters of the Town of Kingston.

1.1 The Board of Selectmen shall designate one Selectman as an ex-officio member. (RSA673:5, I (a))

1.2 The term of an elected Planning Board member shall be three (3) years; the Board shall be staggered so that no more than two (2) elections occur annually, except when required to fill vacancies. (RSA 673:5, II)

1.3 An elected Planning Board may appoint three (3) alternate members for a term of three (3) years each, which shall be staggered in the same manner as elected members pursuant to RSA 673:6, II.

1.4 Planning Board members, and Board alternates, shall comply with the multiple membership requirements of RSA 673:7, I and II; appointed or 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 two ((2) Planning Board members serving on the same Board or Commission.

#### 1.5 Disqualification of Board member

A. No Planning Board member shall participate in deciding or shall sit upon the hearing of any question which the Board is to decide in a judicial capacity if that member had direct personal or pecuniary interest in the outcome which differs

from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons of disqualification do not include facts involved gained in the performance of the member's official duties.

- B. When uncertainty arises to the question of conflict in a particular circumstance, the Board shall, upon the request of that member or other Board member, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any public hearing. Such a vote shall be advisory and non-binding and may not be requested by persons other Board members unless such local ordinance has been adopted by the vote of the Town.

## **2.0 Officers and Duties**

The Officers of the Board shall be the Chairperson and the Vice Chairperson, and shall be elected annually at the first regular monthly Planning Board meeting following the March Town elections, at the beginning of the meeting. Any member may nominate him/herself or any other member of the Board (except the ex-officio member) for either position. All nominees will be accepted for a position before a vote is taken. In the event that a tie vote occurs between the top two nominees, a re-vote will be taken with only those two nominees on the ballot, so that each officer shall be chosen by majority vote of those full members present. The term of Chairperson and Vice-Chairperson shall be one year and both shall be eligible for re-election. (RSA 673:9, I) All officers may be elected to succeed themselves. The ex-officio member shall not serve as Chairperson. (RSA 673:9, II)

### **2.1 Chairperson**

The Chairperson shall conduct meetings and hearings, be the official spokesperson for the Board, and designate alternates (to replace absent members at a meeting). The Chairperson may call special meetings, provided that at least forty-eight (48) hours notice shall be given each member before a meeting is held, providing that each member is not out of Town, or otherwise unreachable. The Chairperson shall be required to call a meeting within ten (10) days of receipt of a written request from any two (2) members of the Board. The Chairperson shall have the authority to sign a Certified Record.

The Chairperson may vote in all cases where he does not have a conflict of interest.

## **2.2 Vice-Chairperson**

The Vice-Chairperson shall act in the absence of the Chairperson, and in cases where the Chairperson may be an abutter, or have a conflict of interest with an appellant. The Vice-Chairperson is authorized to sign a Certified Record in cases where the Chairperson is unavailable.

## **3.0 Quorum**

A majority of the membership of the Kingston Planning Board shall constitute a quorum necessary in order to transact business at any meeting of the Board. (673:10, III)

## **4.0 Alternate Members**

### **4.1 Designation of Alternate Members (RSA 673:11)**

- a. Whenever a regular member of the Planning Board is absent or disqualifies himself or herself, the Chairperson shall designate an alternate, if one is present, to act in the absent member's place.
- b. Only the alternate designated for the Board of Selectmen shall serve in place of the ex-officio member.

### **4.2 Participation of Alternate Members**

- a. Alternate Board members may participate in the Planning Board meetings.
- b. Only an Alternate Board Member designated to act in the absence of a Full Board member may vote on actions during that meeting.
- c. The Chairman shall clarify those members who are voting members by introducing the voting members to the public not only at the beginning of the meeting but also at the start of each hearing during the meeting.

## **5.0 Filling Vacancies in Membership**

Vacancies in the membership of the Planning Board, other than through the expiration of a term shall be filled as follows:

- 5.1 For an elected Board member, by appointment by the remaining Planning Board members until the next regular municipal election

at which time a successor shall be elected to either fill the unexpired term or start a new term, as appropriate.

- 5.2 For an ex-officio or alternate member, the original appointing authority shall appoint for the unexpired term.

## **6.0 Duties of the Board**

- 6.1 It shall be the duty of the Planning Board to prepare and amend from time to time a Master Plan to guide the development of the Town of Kingston. ((RSA 674:1)

- 6.2 Capital improvement Plan: The Planning Board may, from time to time, report and recommend to the appropriate public officials for the development of the municipality, programs for the erection of public structures, and programs for municipal improvements. Each program shall include recommendations for its financing. (RSA 674:1)

## **7.0 Regular Meeting Schedule**

The Planning Board will hold at least one regular meeting in each month. (RSA 673:10, II). The Planning Board will post its calendar at the Town Hall and, whenever possible, on the Town's web site. Public notice for all meetings and public hearings will be in accordance with RSA 91-A. Public notices shall be posted with a minimum of 24 hours notice.

## **8.0 Order of Business**

- 8.1 Call of the meeting to order, statement of time and roll call.
- 8.2 Reading and acceptance of minutes of previous meeting.
- 8.3 Urgent or required Board business.
- 8.4 Hearing of the regular monthly agenda as presented; re-introduction of voting members prior to each hearing.
- 8.5 Board business, hearing of new or proposed laws, regulations, studies, etc.
- 8.6 Report of Committees and other Town Agents.
- 8.7 Other new business
- 8.8 Adjournment

## **9.0 Notice of Public Hearing**

Upon receipt of a completed application (which must be received by the Board at least 21 days prior to the meeting at which the application will be accepted), the Board will, at least ten (10) days prior to the meeting date and

formal submission and acceptance of the application, notify the abutters and the applicant by certified mail, return receipt requested, of the date upon which the application will be formally submitted to the Board. Notice to the general public shall also be given at the same time by posting at two public places in Town and in a newspaper of general circulation, preference to be given to a freely distributed paper which goes to all households in Kingston.

## **10.0 Formal Consideration Requirements**

The Board shall begin formal consideration of the application within thirty (30) days after submission of the completed application as provided in RSA 676:4 I (c), and shall announce the acceptance of the completed application by formally invoking jurisdiction of the plan.

- 10.1 A completed application shall consist of all required exhibits in appropriate regulation (i.e. subdivision or site plan), including a list of anticipated State approvals as appropriate. Twelve copies shall be submitted for distribution to departments.
- 10.2 The Town Engineer will review the plan and will then determine the engineering fee payment required and the bonding requirements for each plan. These fees will be paid, and the bond obtained by the developer, prior to the public hearing, or the application will not be considered complete.

## **11.0 Required Action on the Application**

The Board shall act to approve or disapprove within 65 days after invoking jurisdiction on the plan, subject to extension or waiver as provided in RSA 676:4 or amendment thereof. Failure to do so will allow the applicant to seek remedies available under RSA 676:4 or amendment thereof.

## **12.0 Procedure for Hearing the Agenda**

### **12.1 Order of the Agenda**

As often as possible, the applicants shall be scheduled in order of the receipt of their applications, providing however, that plans continued from a previous meeting will take precedence over new applications.

### **12.2 Presentation of the Plan**

The applicant or his/her agent shall lay the plan before the Board. If the Board determines that the plan represents a completed application, it shall immediately invoke jurisdiction on the plan.

### **12.3 Inspection by Abutters and Other Interested Parties**

Additional copies of the plans should be made available for public viewing.

### **12.4 Oral Presentation of the Plan**

After the plan is posted, the applicant will be asked to present his/her plan. During this period, the Board should allow the applicant every opportunity to present the plan without interruption.

### **12.5 Interrogation**

Once the presentation has been completed, the Board and then the audience will be granted the opportunity to ask questions of the applicant, and if desired, to state reasons for support of, or reasons for opposition to the plan.

### **12.6 Decision**

The Board may, after the discussion period, decide to approve the application, deny it, or postpone action to a future meeting. Motions to accept, deny, or delay should, to the greatest extent possible, state the reasons, or findings, upon which the motion is based. The denial of a plan must be accompanied by a verbal explanation of the reasons for the denial, stating the specific reasons, or regulations which have not been met. A copy of the denial will be filed with the Town Clerk. All decisions shall be announced verbally by the Chairperson at the meeting, and available per RSA 91:A.

### **12.7 Revision of the Plan**

Substantial revisions of the plans by the applicant, other than in response to requests from the Board, will be treated as new applications and necessitate denial of the original plan.

### **12.8 Joint Meeting**

In the event of joint meetings presided over by the Planning Board, the by-laws' rules of procedure and general governing rules shall apply per RSA 676:2.

## **13.0 Decisions Final**

The decisions of the Board shall become final on the date said decisions are made and duly recorded in the official minutes by the recording secretary.

#### **14.0 Recorded Meetings**

Recordings (audiotaped or by other means) of the meetings, if any, are kept only until the printed minutes of that meeting are accepted by the Board, at which time the approved minutes are the official record of the meeting and the tapes are destroyed.

Requests to preserve the tapes of a Planning Board meeting/hearing need to be put in writing and presented to the Planning Board office prior to acceptance of the minutes of that meeting/hearing; “in writing” includes email requests.

#### **15.0 By-law Revisions**

These by-laws may be revised by first posting such revisions along with the usual monthly postings of agenda and business followed by a majority vote of the members present at a regular monthly meeting. Minor (textural) changes from the posting may be made at the meeting.

#### **16.0 Final Posting of By-laws**

These by-laws, once enacted, will be filed with the Kingston Town Clerk and will be available for public inspection as provided in RSA 676:1.

#### **17.0 Appeals**

Decisions of the Planning Board may be appealed in accordance with RSA 677.