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Bristol Planning Board

TOWN OF BRISTOL, N. H.  
**BYLAWS**

ADOPTED NOVEMBER 10, 1999

Amended March 23, 2022

Amended June 22, 2022

Amended February 14, 2024

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## ARTICLE I

### Name and Objective of Board

**Section 1, Name:** The Board shall be known as the Bristol Planning Board, hereinafter sometimes referred to as the "Board".

**Section 2, Objects:** The Bristol Planning Board shall perform the duties assigned to planning boards under the provisions of Title LXIV of the New Hampshire Revised Statutes Annotated relative to "Planning and Zoning", including, but not limited to, the duties specified in Chapter 674 of the New Hampshire Revised Statutes Annotated.

## ARTICLE II

### Membership

**Section 1, Membership:** The membership of the Bristol Planning Board shall consist of five (5) members (including one (1) Select Board member or Administrative Official such as a Building Inspector) and up to five (5) alternates appointed in accordance with the provisions of RSA 673:2, II(a) and 673:6, I(a).

**Section 2, Term of Members:** The terms of office of members and alternate members of the Bristol Planning Board shall be as provided in RSA 673:5, II and RSA 673:6 with the Select Board member's term in a minimum of one (1) year.

**Section 3, Filling Vacancies in Membership:** Vacancies in the membership of the Planning Board, occurring other than through the expiration of a term of office, shall be filled in accordance with the provisions of RSA 673:12, by the original appointing or designating authority, for the unexpired term.

**Section 4, Removal of Members:** In accordance with the provisions of RSA 673:13, after public hearing, appointed members and alternate members of the Planning Board may be removed by the appointing authority upon written findings of inefficiency, neglect of duty or malfeasance in office. The Select Board may, for any cause enumerated in this section, remove the Select Board representative selected by it.

**Section 5, Designation of Alternate Members:** Whenever a regular member is absent, or whenever a regular member disqualifies himself, the Chair shall designate an alternate, if one is present, to act in the absent member's place; except that only the alternate designated by the Select Board for the Select Board member of the Board shall serve in the place of that member. *Alternates are permitted to participate in discussions and deliberations on cases where they aren't formally "seated" and do not have a vote.*

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## ARTICLE III

### **Officers**

**Section 1, Officers:** In accordance with the provisions of RSA 673:8, the officers of the Bristol Planning Board shall consist of a Chair and a Vice-Chair who shall be elected during the annual meeting (first meeting following Town elections in March) for a term of one (1) year. All officers are eligible for re-election and there is no limit on the number of terms they may serve. Any regular member of the Planning Board is eligible to be elected Chair except an Ex-Officio member.

**Section 2, Chair:** The Chair shall be elected annually by a majority vote of the Board in the month of March. The Chair shall preside over all meetings and hearings and appoint such committees as directed by the Board.

**Section 3, Vice Chair:** In the absence of the Chair, the Vice-Chair shall preside at all meetings and hearings of the Board and shall assume the duties of the Chair during such proceedings.

**Section 4, Chain of Command:** In the absence of the Chair, the order of succession shall be as follows:

1. Vice- Chair
2. A member elected by the majority of the members present at the meeting of the Board.

The person acting as Chair pursuant to this section shall assume the duties of the Chair.

**Section 5, Administrative Assistant:** The Administrative Assistant shall be an individual(s) hired by the Town of Bristol and shall staff the Land Use Department. This individual(s) shall be responsible for the official recording and maintenance of the minutes of meetings of the Board, public hearings, and other activities of the Planning Board. The Administrative Assistant shall post the minutes after they are accepted and approved by the Planning Board.

**Section 6, Vacancies Among Officers:** Should the office of Chair or Vice-Chair become vacant, the Board shall elect a successor from its membership at the next regular meeting to serve the unexpired term of said office.

## ARTICLE IV

### **Meetings of the Board**

**Section 1, Annual Meeting:** There shall be an annual meeting of the Board held on their next scheduled meeting following the March Town elections each year. Unless otherwise ordered by the Board, such meeting shall be held in the Town Office Building at 7:00 p.m. for the purpose of the election of officers, reviewing of reports, and the transaction of such other business as shall come before the meeting. Officers shall be elected by majority vote of the members present.

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**ARTICLE IV (continued)**

**Section 2, Regular Meetings:** Regular meetings of the Board shall be held on the second Wednesday of each month at such time and place as the Board shall designate in the official notice of such meeting posted and otherwise notices pursuant to and in accordance with the provisions of Chapter 91-A of the New Hampshire Revised Statutes Annotated. In the event that such day is a legal holiday, the regular meeting of the Board shall be held on the third Wednesday of such month.

**Section 3, Workshop Meetings:** Workshop meetings of the Board shall be held on the fourth Wednesday of each month at such time and place as the Board shall designate in the official notice of such meeting posted and otherwise noticed pursuant to and in accordance with the provisions of Chapter 91-A of the New Hampshire Revised Statutes Annotated. Workshop meetings of the Board may be scheduled at such other times as may be designated by the Board.

**Section 4, Special Meetings:** Special meetings of the Board shall be held at the call of the Chair at such time and place as designated by the Chair in the official notice of such meeting posted pursuant to and in accordance with the provisions of Chapter 91-A of the New Hampshire Revised Statutes Annotated. Special meeting of the Board may also be called by the Chair or Vice Chair upon written request of three (3) members, made to such officer in writing. Notice of any such special meeting shall be posted and otherwise noticed pursuant to and in accordance with the provision of Chapter 91-A of the New Hampshire Revised Statutes Annotated and mailed to all members and alternates of the Board at least five (5) days prior to the date of such meeting.

**Section 5, Quorum:** At all meetings of the Board, either regular, workshop or special, *three (3)* members, including alternates sitting in place of members, shall constitute a quorum for the conduct of business.

**Section 6, Lack of Quorum:** If a quorum is not present, the Chair may adjourn the meeting to a day and hour fixed by the Chair.

**Section 7, Order of Business:** Unless otherwise specifically restricted in the notice of meeting, the order of business to all meetings of the Board shall be as follows:

1. Call to Order / Roll Call
2. Old Business
3. Planning
4. Cases
5. Operational
6. Approval of Minutes
7. Communications
8. Reports
9. Member's Comments
10. Adjournment

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## ARTICLE IV (continued)

At the discretion of the Chair, the usual Order of Business by the Board may be changed to hold the Hearings immediately after the Roll Call in order to better accommodate the public.

**Section 8, Manner of Voting:** At the discretion of the Chair, or upon the request of any member, voting by the Board shall be by roll call vote, the results of which shall be recorded in the minutes.

**Section 9, Disqualification of Member:**

- (a) In accordance with the provisions of RSA 673:14, no member or alternate member of the Planning Board 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 a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if such member would be disqualified for any cause to act as a juror or knowledge of the facts involved gained in the performance of the member's official duties. A member 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 the Chair or the member disqualifying themselves before the beginning of the consideration of or the Public Hearing of the Applicant, or as soon as the need for disqualification is discovered.
- (b) When uncertainty arises as to the application of paragraph (a) above to a Board member in particular circumstances, the Board shall, upon the request of that member or another member of the Board, 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 required Public Hearing. Such a vote shall be advisory and non-binding and may not be requested by persons other than Board members, except as provided by local ordinance or by a procedural rule adopted under RSA 676:1.
- (c) Any member disqualified pursuant to this section shall absent themselves from the Board table during the Public Hearing and during all deliberations on the matter in question. Such disqualification shall be noted in the minutes of the Hearing.
- (d) Absence of a member from more than four (4) meetings, unless the member requests authorized leave and it is granted by the Chair per calendar year, will result in the Board requesting that the appointing authority remove that member from the Planning Board as per RSA 673:13.

## ARTICLE V

### **Miscellaneous**

**Section 1, Applications:** The Land Use Department shall keep the Board informed about change in status of each conditionally approved application.

**Section 2, Communications to Board:** All communications to the Board, including applications, petitions, or other referrals, shall be directed to the Planning Board.

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## ARTICLE VI

### **Applications**

1. Applications for hearings before the Board shall be made on the forms approved by the Board and shall be presented to the Land Use Department or the Board's agent who shall record the date of receipt over his signature.
2. At each meeting, the Administrative Assistant shall present to the Board all applications received.
3. The Board may reject all applications not properly completed. All applications shall be scheduled for consideration within 30 days of submission of the completed application to the Board.

### **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.

### **Notice**

1. Public notice of the submission of and public hearings on each application shall be given in a local newspaper approved by the Board and by posting at the Town Offices not less than 14 days prior to the date fixed for submission and consideration of the application.

NOTE: RSA 676:4 requires the public notice be given by either publication or posting. The Board may do one or the other, or both so long as the rules of procedure are consistent with the subdivision and non-residential site plan review regulations.

2. Personal notice shall be made by verified mail to the applicant and all abutters not less than 10 days prior to the date fixed for submission of the application to the Board.

NOTE: RSA 676:4 permits the Planning Board to combine the notice of submission with the notice of the Public Hearing. Otherwise, separate personal notices must be given to the applicant and abutters by verified mail.

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## ARTICLE VII

### **Public Hearings**

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

1. The Chair shall call the hearing in session and ask for the Administrative Assistant report on the proposal.
2. The Assistant shall read the application and report on the manner, in which, public and personal notice was given.
3. Members of the Board may ask questions at any point during the presentation.
4. Any party to the matter who desires to ask a question of another party to the matter must go through the Chair.
5. Any applicant, abutter, or any 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.
6. Each person who appears shall be required to state his name and address and indicate whether he is a party to the matter or an agent or counsel to a party to the matter.
7. The applicant shall be called to present his proposal and those appearing in favor of the proposal shall be allowed to speak.
8. Those in opposition to the proposal shall be allowed to speak.
9. 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.
10. 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 time of adjournment.

### **Decisions**

1. The Board shall render a written decision on all completed applications within 65 days after the date on which the Board votes to accept the application as completed and 90 days of the date of the submission of a completed application.
2. The Board shall act to approve, conditionally approve, or deny, subject to extension or waiver as provided in RSA 676:4.
3. A Notice of the Decision will be made available for public inspection within 5 business days after the decision is made, as required in RSA 676:3 the Board shall provide the applicant with written reasons for the approval or denial of the application.

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## ARTICLE VIII

### **Records**

1. The records of the Board shall be kept by the Land Use Department and shall be made available for public inspection at the Town Office at 5 School Street as required by RSA 676:3, II.
2. Minutes of all meetings 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 of the public meeting as required in RSA 91-A:2, II.

## ARTICLE IX

### **Joint Meetings & Hearings**

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 and the Historic District Commission, and each Board / Commission shall have the discretion as to whether or not to hold such joint meeting or hearing.
2. Joint business meetings with other local Land Use Boards may be held at any time when called jointly by the Chair of the Boards.
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.
4. The Planning Board Chair shall chair all joint meetings and public hearings when the subject matter of which involves the Planning Board.
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 Chair
  - c. Explanation of reason for joint meeting / hearing by Chair
  - 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 his proposal.
  - e. Adjournment

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**ARTICLE X**

**Amendments**

**Section 1, Amendment:** These by-laws may be adopted, amended, repealed, or altered, in whole or in part, by a majority vote of the Board at the annual meeting or, at a regular monthly meeting, provided that notice of the proposed change of such by-laws is contained in the notice of such regular monthly meeting.

**Section 2, Applicability:** The provisions of these by-laws shall be subject to the provisions of any applicable federal, State, or local law, regulation, or ordinance.

Date of Adoption: February 14, 2024

Chair Name: John Miller

Chair Signature: *John Miller*  
John Miller (Feb 16, 2024 10:20 EST)