



RULES OF PROCEDURE

Town of Wilton Planning Board

Revised and Adopted November 20, 1991

Amended May 17, 2017; December 19, 2018; August 2, 2023; March 6, 2024

SECTION I: AUTHORITY

These Rules of Procedure (Rules) are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 676:1.

SECTION II: COMPOSITION OF BOARD; ALTERNATES

1. Composition.

The Wilton Planning Board (the Board) shall consist of six members elected at the annual Town meeting, plus an ex officio member appointed by the Select Board (members). No more than three members shall be elected in any one year, for a term not to exceed three years, in accordance with RSA 673:2 II(b). Members and alternate members appointed as set forth in Section II 3 below (alternates) shall reside in the community. Otherwise, the terms by which members shall be selected, qualified, served and be removed and/or replaced shall conform with RSA 673.

2. Oath of Office.

Each newly elected or appointed (including re-appointed) member and alternate shall be sworn in and take an oath of office as required by RSA 42:1.

3. Alternates.

The Board may appoint up to five alternates, and the Select Board shall appoint an alternate Select Board member, to serve on the Board as authorized by RSA 673:6 and participate as non-voting members. At the call of the Chair or a Co-chair, an alternate may fill in for a member who has left the office before the expiration of his/her/their term, is absent, or who has been recused or disqualified from consideration of a matter. An alternate filling in for a regular member shall have all the powers and duties of a regular member with respect to any matter under consideration on which the regular member is unable to act.

4. Participation by Unactivated Alternates.



Alternates who are not activated to fill a vacant seat, or the seat of an absent or recused elected member, may attend Board meetings and participate in a limited capacity. Alternates may not vote or make or second motions, but they may review documents, listen to testimony, and actively participate in discussion of all matters, including interacting with Board members, the applicant, abutters, and the public. The Chair or a Co-chair shall fully inform the public of the status of any alternate present and identify the members and/or alternates who shall be voting on an application.

5. Notice if Unable to Attend a Meeting.

Any member or alternate unable to attend a meeting shall notify the Chair or Co-chair in advance as soon as possible.

SECTION III: Officers

1. Election of Chair/Vice Chair or Co-chairs.

Before conducting any other business, at the first meeting of the Board after the annual election, the Board shall elect, by majority vote of those present and constituting a quorum, either (a) a Chair and Vice Chair, or (b) Co-Chairs, from the elected members. The Chair, Co-Chairs and/or Vice Chair shall be elected for terms of one year and may be re-elected. None of the Chair, Co-chairs or Vice Chair may be the ex officio member appointed by the Select Board.

2. Chair/Co-Chair Duties.

The Chair or a Co-chair, as determined by the Co-chairs, shall preside over all meetings and hearings, prepare an annual budget, and perform such other duties as are customary to the office or as set forth in these Rules. To the extent permitted by applicable law, the Chair or a Co-chair may from time to time or in respect of a particular meeting, impose certain procedures or requirements for participation in person, including, without limitation, mask requirements, as he/she/they deem reasonable to protect the health and welfare of the Board and the public. Either Co-chair, acting without the other, shall have the authority to execute plans, agreements and documents otherwise authorized or approved by the Board for execution.

3. Vice Chair Duties.

If a Vice Chair is elected, the Vice Chair shall act for the Chair in his/her/their absence and shall have the authority to perform the duties prescribed for that office.



4. Absence of Chair/Co-Chairs and Vice Chair.

If none of the Chair, a Co-chair or the Vice Chair is present and able to act on a matter, the Board shall, by majority vote, designate another elected member to preside over the meeting or the matter.

5. Secretary.

Unless or until the Board, by majority vote, designates another individual to act as Secretary of the Board, the Land Use Administrator shall act as Secretary and shall be reappointed by the Board as such annually. If the Secretary is temporarily absent, the Chair or a Co-chair may designate a member of the Board to serve as Secretary for a meeting. The Secretary, or a person designated by the Board, shall draft the minutes of Board meetings with the assistance of a Board member, if necessary. The Secretary shall perform such other duties as are (a) customary to the office, (b) requested from time to time by the Chair, a Co-chair, or the Board, and (c) set forth in these Rules.

SECTION IV: MEETINGS

1. Regular Meetings.

The Board shall meet at least monthly in a venue determined by the Board, provided the location of such meetings has been properly noticed in accordance with RSA requirements. Unless otherwise determined by the Board and properly noticed in accordance with RSA requirements, regular meetings shall take place on the third Wednesday of the month, beginning at 6:30 pm.

2. Work Sessions.

Unless otherwise determined by the Board and properly noticed in accordance with RSA requirements, the Board shall conduct work session meetings at least monthly on the first Wednesday of each month, at the same time and venue as regular meetings.

3. Special Meetings.

A special meeting of the Board may be called by the Chair or a Co-chair or at the request of three members of the Board. Public notice of any special meeting shall comply with the RSA requirements and each member and alternate shall receive at least 48 hours' notice of any such special meeting.



4. Nonpublic Sessions.

Nonpublic sessions of the Board shall be held only in accordance with RSA 91-A:3.

5. Quorum.

A majority of the entire Board (four members), including alternates sitting in place of members, shall constitute a quorum. Absent the imposition of State emergency rules to the contrary, (a) the quorum shall be present in person, and (b) members participating in a meeting remotely shall not be counted for purposes of determining a quorum. In any event, members participating in a meeting remotely shall have all the powers and duties of a member present in person.

6. Voting.

A motion, duly seconded, shall be carried by vote of a majority of members, including alternates sitting in place of members, present in person or remotely, provided that a quorum is present as described in Section IV 5. Voting shall be by roll call if any member or alternate sitting in place of a member is participating in the meeting remotely.

7. Disqualification.

A member shall disqualify or recuse himself/herself/themselves from sitting on a particular matter as provided in RSA 673:14 and shall notify the Chair of a Co-chair as soon as possible so that an alternate may be called to fill the place.

8. Order of Business.

The order of business at a meeting shall be as set forth in the agenda properly noticed in accordance with RSA requirements, provided that the Chair or a Co-chair (or the Vice Chair acting for an absent Chair) may change the order at the meeting to accommodate applicants or attendees. Except as otherwise determined by the Chair or a Co-chair (or the Vice Chair acting for an absent Chair) from time to time or in respect of a particular meeting, (a) no new public hearing or business shall commence after 9:59 pm and (b) meetings shall not continue past 10:30 pm, provided that a hearing then in progress may proceed or be continued to another meeting at the Board's discretion. The Chair or a Co-chair (or the Vice Chair acting for an absent Chair) may from time to time or in respect of a particular meeting, impose restrictions on the amount of time an applicant, abutter or other participant



may speak, provided that such restrictions are announced at the beginning of the meeting.

9. Public Hearings.

Public hearings shall be conducted as follows:

- a. The Chair or a Co-chair (or the Vice Chair acting for an absent Chair) shall first call the hearing in session, identify the applicant or agent, briefly describe the application, and then call upon the applicant or agent to present the proposal.
- b. Members of the Board may ask questions at any point during the presentation.
- c. Any applicant, abutter or other person with a direct interest in the matter may testify in person or in writing. Other people may testify as permitted by the Board. Any participant who desires to ask a question of another participant shall ask the acting Chair or a Co-chair to pose the question.
- d. Each person who speaks shall state her/his/their name and address and indicate the relationship to the matter.
- e. The Board shall determine whether additional material or information or the correction of noted deficiencies is required. If the matter is adjourned, further notice is not required if the date, time, and place of the continuation is made known at the adjournment.

10. Decisions.

The Board shall render a written decision within 65 days following the date a completed application has been accepted, subject to extension or waiver as provided in RSA 676:4. The Board shall act to approve, conditionally approve, deny without prejudice to reapply, or disapprove/deny the application. Notice of the decision will be made available for public inspection at the Wilton Town Office (Town Office) within five business days after the decision is made, as required by RSA 676:3. If the application is disapproved or denied without prejudice, the decision shall include the reason(s) for disapproval or denial without prejudice.

11. Records.

The records of the Board shall be made available for public inspection at the Town Office as required by RSA 676:3, II. Minutes of meetings (including site visits) reflecting the names of Board members in attendance, people appearing before the Board and a brief description of the subject matter shall be open to public inspection as required by RSA 91-A:2, II.



12. Joint Meetings and Hearings.

The Board may hold joint meetings and hearings as set forth in RSA 676:2. The Chair, a Co-chair (or the Vice Chair acting for an absent Chair) shall preside over joint meetings. The Rules of Procedure for joint meetings and hearings, the subject matter of which involves the Board, shall be the same as these Rules, except as may be reasonably necessary to accommodate the joint meeting. Each board involved in a joint public hearing shall make its own decision, based on its criteria for the matter. Each participating board may meet individually to take final action but may not consider any testimony or information that was not presented at the joint meeting.

13. Cancellations or Postponements.

If a meeting is to be cancelled or postponed, the Chair or a Co-chair shall notify members by e-mail at least four hours before the scheduled time, or by telephone if the meeting was scheduled for fewer than four hours thereafter. The Secretary shall post a notice of cancellation on the Town website and notify any expected attendees. Rescheduled meetings shall comply with RSA requirements for notice.

SECTION V: SITE VISITS

1. Need for Site Visit (or Site Walk).

When the Board deems it necessary for the adequate consideration of an application, it shall ask the applicant to allow a site walk to give it and others the opportunity to visit a site and gather information by viewing the location in conjunction with proposed plans and asking questions of the applicant and/or its agents or representatives. A site walk is not the venue for taking testimony or making decisions on an application.

2. Participants.

A site walk shall be conducted, with the permission of the applicant, by a quorum of the Board in the company of the owner, applicant, their agents and/or employees, as agreed by the applicant. Representatives of Town departments and other Town boards and Commissions, acting in those capacities, who have an interest in the proposal may participate simultaneously in accordance with the procedures for joint hearings set forth in Section IV 12. Members of the public may participate with the permission of the applicant, but if permission is denied, the Board's ability to discharge its duties may be compromised and any discussion, questions or comments will be held until the next public hearing on the application.



3. Notice.

A scheduled site visit is a meeting of the Board and shall be notified in accordance with RSA requirements. Minutes of site walks shall be kept as set forth in Section IV 11.

4. Drive-bys; Walking the Bounds.

One or more members of the Board may view a site the subject of an application from an adjoining public highway or other public observation point without entering the property and without the permission of the applicant. In addition, one or more members may “walk the bounds” of a site the subject of an application to provide assurance that the submitted plat accurately describes the boundary markers and other significant features of the property. Subject to the requirements of Section VI, neither a drive-by nor walking the bounds is a meeting or hearing required to be noticed and does not require minutes to be taken. Findings shall be reported to the entire Board.

SECTION VI: MEMBERS’ COMMUNICATIONS BETWEEN MEETINGS

1. Purpose.

This Section addresses compliance with the Right-to-Know Law, RSA 91- A, and the Due Process rights of parties before the Board, clarifies members’ ability between meetings to research issues and prepare motions or the scripts for other potential Board actions, thus promoting efficient use of meeting time, as permitted by law and clarifies the role of electronic media such as E-mail to achieve these goals.

2. Definitions.

For purposes of this Section:

- a. “Communication” means a transfer of information, objective or subjective, from one person to another, including by telephone, letter, e-mail, or other medium, regardless of the location or ownership of any device or equipment used.
- b. “Distribution” is a one-way communication between meetings involving more than one member where no between-meeting response (except acknowledgment of receipt) occurs or is expected.
- c. “Exchange” is a communication between meetings, or series of communications, involving more than one member, including a response or



expectation of a response. A “public exchange” is an exchange involving a quorum of the Board.

- d. “Ex parte communication” is communication, other than at a legally- noticed meeting, between a member and a person with an interest in, or affected by, a pending or future case.
- e. “Member” shall include the members of the Board and any alternate activated to fill a vacant seat or the seat of an absent or recused elected member (in the latter case, only with respect to such matter).

3. Activities Permitted between Meetings.

Individual members may, between meetings, prepare drafts of motions or the scripts for other potential Board actions. They may also research or investigate general or specific factual issues. However, if the research pertains specifically to a matter before the Board, the member shall, at the public hearing, report all findings to the Board and parties to the case shall be given a meaningful opportunity to respond.

4. Distributions.

A distribution may be made to any number of Board members, so long as it does not become an exchange. If a member makes a distribution concerning a matter pending before the Board or expected to be before the Board in the future and the distribution involves a quorum of the Board (counting all senders and recipients):

- a. A copy shall be forwarded to the Secretary, who shall place a copy of it in a separate, non-public file.
- b. The member making the distribution shall report on it, and its contents, at the next public hearing on the matter, unless the information is exempt from disclosure under RSA 91- A.
- c. Parties to the case shall be given a meaningful opportunity to respond to the information in the distribution.

5. Exchanges.

Public exchanges are prohibited. Public exchanges are deliberations that may occur only at meetings noticed in accordance with RSA requirements. Each member involved in an exchange shall be responsible for preventing the number of members involved from reaching a quorum, thereby creating a public exchange. Information



discussed in, or generated by, an exchange between members shall not be subject to further distribution and shall not include any ex parte communication.

6. Ex Parte Communications.

No member shall initiate any ex parte communication. If another person initiates an ex parte communication the member recipient(s) shall (a) refrain from discussing the substance or merits of a matter; (b) Inform the person, as necessary, that such a discussion could lead to disqualification of the matter before the Board; (c) refer the person to the Secretary; and (d) report the communication to the Board at a public meeting.

7. Scheduling and Agendas.

Nothing in these Rules prevents any distributions, exchanges, public exchanges, or ex parte communications pertaining solely to the scheduling of meetings or hearings, the determination or ordering of agenda items or topics to be taken up at meetings or hearings, or general procedural requirements pertaining to scheduling and agenda matters.

SECTION VII: COMMITTEES

The Board may from time to time by motion designate such standing or ad hoc committees, with such responsibilities, as it may deem necessary for the efficient conduct of the Board's business, which committees may consist of members and such other persons whose experience and qualifications in the subject matter of the committee may assist the committee and the Board in the performance of its duties. The Board shall determine the scope of the committee's mandate, how long it will remain in place, and in what form it shall report to the Board. The Board may from time to time change the membership of any committee and may discontinue it when no longer necessary. If four or more members (a quorum of the Board) are appointed to a committee, the committee's meetings shall be treated as meetings of the Board and noticed in accordance with RSA requirements.

SECTION VIII: AMENDMENTS

These Rules and any amendments hereto shall be adopted by the Board and shall be placed on file in the Town Office for public inspection in accordance with RSA 676:1.