

# **Town of Westmoreland, New Hampshire**

## **Job Responsibilities & Handbook**

### **Planning Board Clerk**

**Overview:** The Planning Board Clerk has the following responsibilities:

- A. Attend all Planning Board meetings and hearings
- B. Take and keep minutes of all Board proceedings
- C. Receive & preview applications
- D. Send out notices of public hearings
- E. Maintain the Board's records
- F. Fulfill such duties as the Chairman may specify

The Planning Board Clerk is appointed by the Board of Selectmen.

#### **A. Attending Planning Board Meetings and Hearings**

The Planning Board Clerk shall attend all Planning Board meetings, public hearings, and site visits in order to take minutes and handle paperwork during the meetings.

The Planning Board holds regular meetings on the third Monday of each month at 6:30 p.m. in the Westmoreland Town Hall. The Board may schedule additional meetings, public hearings, and site visits as needed and as agreed upon by the Board.

#### **B. Taking and Keeping Minutes of Board Proceedings**

The Planning Board Clerk shall keep and place on file the minutes of all Board proceedings and decisions in the Town Offices. The official minutes shall consist of written minutes and, if appropriate, an audio recording of the proceedings.

##### **1. Taking Notes and Making Recordings**

The Clerk shall take written notes at every meeting, public hearing, and site visit. Audio recordings may be taken to assist in preparing minutes and shall be destroyed upon acceptance of the minutes unless otherwise directed. If the audio recording will be part of the official record, this shall be so stated in the written minutes. The Clerk's written notes and the audio recording, if any, shall be used as the basis for preparing the official minutes of the meeting.

##### **2. Complying with State Laws**

Minutes must be made available to the public upon request not more than five business days after the public meeting. When the five business day deadline is reached before the minutes are approved, they can be made available to the public with a notation that they are a draft version.

Minutes and other public records must be available for public inspection upon request. Not only may the public inspect the official minutes, but they may request to inspect "all notes, materials, tapes or other sources used for compiling the minutes" of public meetings. RSA 91-A:4

### **3. Submitting and Approving Minutes**

The Clerk shall submit draft minutes to the Town Office within 6 days of the close of a meeting. The Clerk shall also circulate draft minutes to all Board members who participated in the meeting. The minutes may be submitted and circulated in paper form or electronically.

After the minutes are approved by the Board, the Clerk may discard any notes that were used in compiling the minutes. Any recording of the meeting may also be discarded at this time, provided that the recording is not being retained as part of the official record.

Board members will review the draft minutes for accuracy and completeness at the subsequent meeting of the Board and shall agree to any changes or additions that should be made. If changes are made at a subsequent meeting, the changes are detailed in the minutes of the subsequent meeting by the Clerk. The Clerk will then add a notation to the permanent record of the first meeting that corrections were made with a reference to the subsequent meeting date.

The Clerk shall then place the minutes in a permanent file.

### **4. Contents of Written Minutes**

Written minutes of any meeting, public hearing, or site visit shall contain the following information:

- The date of the meeting and the time the meeting is called to order.
- List of Board members present, including any alternate members present. If an alternate member is participating as a voting member, this should be indicated in the minutes.
- List of others present. Include the names of any applicants appearing before the Board, surveyors or engineers representing an applicant, legal counsel and members of the public who speak out on issues. Members of the public who do not speak on issues do not need to be listed.
- A summary of the discussion on each topic. This summary does not typically need to include all comments and statements by those participating, but should give the general nature of the discussion. However, participants and their viewpoints should be identified if there are contrasting points of view.
- All decisions (votes) of the Board, including the names of the Board members who made and seconded the motion and the number of Board members voting for and against the motion.
- The time of adjournment of the meeting.

### **C. Receive and Review Applications**

The Clerk, prior to the submission deadline, will meet with applicants to verify that the proper land use application and/or permits and their supporting documents are submitted correctly prior to posting the hearing notification (e.g. subdivisions, site plan, permits).

## **D. Sending out Notices of Public Hearings**

The Planning Board holds public hearings on a variety of topics, including proposed changes to official Board documents, proposed changes to fees, proposed changes to the Zoning Ordinance and Building Ordinance and consideration of land use applications (e.g., subdivisions, excavations, etc.).

### **1. Legal Requirements for Notification**

When the Board holds public hearings to consider changes in Board documents, fees, and ordinances, state law requires that the public be notified by:

- Publication of the hearing notice in a local newspaper of general circulation.
- Posting of the hearing notice in two or three public places in the Town of Westmoreland, one of which may be the Town's web site.

Publication and posting of the notice must take place 10 days ahead of the scheduled hearing date. RSA 676:4, I(d)

When the Board holds public hearing to consider land use changes, state law requires that the hearing notice be published and posted (as above) and also be sent to the applicant, any surveyor or engineer who has signed the applicant's plat, all abutters, and all property owners within 200 feet of the subject property. In cases where there may be a regional impact, affected Towns and the Southwest Region Planning Commission must also be notified. RSA 676:4, I(d)

Hearing notices must be mailed at least 10 days prior to the scheduled hearing date and must be sent by certified mail.

### **2. Publishing the Hearing Notice in a Local Newspaper**

The *Keene Sentinel* (a daily paper) and the *Monadnock Shopper* (a weekly paper) are the local newspapers of general circulation. The Planning Board typically publishes hearing notices in the *Keene Sentinel* because it is easier to meet publication deadlines in a paper that is published on a daily basis.

The Clerk is responsible for supplying the notice copy (by telephone, paper copy, or electronically) to the advertising department of the newspaper. This must be done in ample time to meet the legal requirements for the "ten-day" noticing. It is best to provide the advertising copy at least three days before the desired publication date (14 days before the hearing date.)

The advertisement should be charged to the Town of Westmoreland. The newspaper will bill the Town.

### **3. Posting the Notice in the Town of Westmoreland**

The Clerk is responsible for posting each hearing notice.

For public hearings on applications for an excavation permit, notices must be posted in *three* public locations in the Town of Westmoreland. The 10 days notice shall not include the day of publication nor the day of the meeting, but shall include any Saturdays or Sundays and legal holidays within said period. The Planning Board posts its notices at the Town Hall, the Post Office, the Library and or the Town's website. RSA 155-E:7

For all other public hearings, notices must be posted in *two* public locations in the Town of Westmoreland. The Planning Board posts its notices at the Town Office and the Post Office.

### **4. Mailing Notices to Abutters**

The Clerk is responsible for mailing notices to the applicant, abutters, and all others who, by law, must be notified of a land use hearing. These notices shall be the same as those published in the newspaper and posted in public places.

The applicant is responsible for providing the Board with a mailing list of abutters, as well as mailing addresses of any surveyors and engineers who signed the plat.

The mailing list of abutters must be compiled from official records at the Westmoreland Town Office not more than five days before the date of submission of an application. The five-day requirement is stipulated in order to ensure that up-to-date information on owners and their addresses is being supplied.

It is very important that notices be sent to all abutters; if an abutter is omitted from the mailing, then an entire hearing might be invalidated and a new hearing might have to be held. If the applicant supplies incorrect or incomplete information, then the applicant must pay the costs of holding a new hearing.

However, it is always in the Town's best interest to avoid a situation in which a new hearing must be held. For this reason, the Planning Board Clerk should, whenever possible, verify that the list of abutters that the applicant has supplied is correct. To verify abutters, follow these steps:

- a. Based on the Tax Map and Lot Number(s) of the property being considered, consult the appropriate Tax Map(s) in the Town Office. Note the Tax Map and Lot Number of each property which abuts the subject property (including those across a roadway or a brook or river) and each property within 200 feet of the subject property, even if it does not directly abut the subject property.
- b. Consult the list of property owners that is located at the Town Office. This list is organized by Tax Map and Lot Number. Note the proper name and address that corresponds to each Tax Map and Lot Number noted above.

The Board will advise the Clerk as to whether an application has regional impact and would consequently require notification of adjacent towns and the Southwest Regional Planning Commission.

The Clerk shall mail all notices by certified mail. The applicant is responsible for issuing a check (made out to Westmoreland Post Office) to the Clerk in the amount to cover the current postal rates, including certified costs for each abutter and other person(s) required to receive notification.

## **5. Contents of the Public Notice**

The responsibility for preparing a public hearing notice shall be determined jointly by the Chairperson and the Clerk on a case-by-case basis. The public notice shall contain the following information:

- Purpose of the hearing
- Location (street address and the Tax Map and Lot Number) of any property under consideration
- Date, time, and place of the hearing

## **E. Maintaining the Board's Records**

The Clerk shall be responsible for maintaining all the records of the Planning Board in an orderly fashion. These records shall include at least the following:

- Minutes of every meeting, public hearing, and site visit. These should be placed in a three-ring binder and organized in chronological order.
- Audio recordings which are specified to be part of the official record.
- Applications and supporting materials received from applicants.
- Recording plats at the Cheshire County Registry of Deeds.
- Documents or other materials submitted by applicants or others at public hearings.
- Correspondence to and from the Planning Board.
- Materials related to the preparation of Planning Board documents and ordinances.
- Any other official documents and materials related to Planning Board business.

All documents and materials related to a particular case shall be organized as a file that is labeled with the appropriate Tax Map and Lot Number. Planning Board records shall be kept in the Planning & Zoning Board's file cabinet which is located in the Town Hall.

## **F. Fulfilling Such Duties as the Chairperson May Specify**

The Chairperson may ask the Clerk to perform other duties which may include the following:

- Prepare, post and file with Town Clerk wording for ballot questions pertaining to land use, as required by law.
- Monitor the expiration dates of letters of credit, bonds & excavation permits.
- Purchase and maintain supplies needed for conducting Board business (filing folders, envelopes).
- Make copies of materials for distribution to the Board or the public.
- Make telephone calls and respond to telephone calls.
- Provide forms and materials to applicants or the public.
- Assist with the preparation of Board documents, fee schedules, and ordinances.

# Planning Board

## Monthly Meeting Checklist

- Have agenda to members Thursday before Monday meeting
- Have agenda posted in two public places at least 24 hours prior to meeting
- Record what time the meeting is called to order and what members are present and not present and what alternates are sitting on behalf of whom
- Have a few copies of previous month's unapproved minutes for people to review, once approved send to town office for file, *if amended type text at the end of minutes below signature, stating when amended and how, in italicized text. In the current months' minutes will also contain what is amended, this way it is posted on previous months and current months*
- Take minutes for meeting, they need to be made available within 5 business days for public to view as unapproved minutes, once you have them compiled send to town office for file and to members so they can preview for them to be approved or edited for approval at the next month's meeting
- When a motion has been made underline it in the minutes, so it is easy to find in the future

# Planning Board Site Plan/Subdivision Hearing Checklist

- Be sure to have applicant thoroughly read site plan regulations booklet, application and review check list which is available free online at the town website or at the town hall for a fee of \$3.00.
- Application and all other material need to be received 21 days prior to hearing which includes:  
Site plan/subdivision review checklist, completed application and 12 copies of site plan and list of all abutters with mailing addresses including applicant (owner and/or agent) and surveyor.
- If applicant is not owner be sure to have in hand with application a notarized document which authorizes an agent to act on the owners' behalf.
- Review items and if complete, collect hearing fee and record date received, if items are missing or delayed in receiving, also note it.
- Collect postage fee for hearing notices for all abutters, applicant and owner (if not applicant) and surveyor, have check made out to postmaster to cover certified postage.
- Submit hearing notice to Sentinel to be in the paper no later than the Thursday 2 weeks prior to the scheduled Monday meeting/hearing. That gives you the 10-day notice period. The sentinel needs 24 hrs notice for an ad. 352-1234 [classified@keenesentinel.com](mailto:classified@keenesentinel.com)
- Maintain at the town office all original documents of application and site plan hearing material, which are available to the public. Clerk may make copies to take home for their records.
- Mail certified hearing notices to all abutters, owner, etc. at least 10 days prior to hearing.
- Post notices at town hall and post office (2 public places).
- Inform members that packets are available at town office or mail to board members to review prior to hearing, including application and review check list if needed, (such as many changes or complex).

### **Planning Board Procedures Crib Sheet**

<i>Public Meeting</i>	<i>Notice in 2 public places OR newspaper 24 hours in advance (not including Sunday or holiday)</i>	<i>91 A:2</i>
<i>Public Hearing</i>	<i>Public notice in newspaper &amp; 2 public places 10 days prior (Friday 2 wks before Tues mtg) Certified Mail - applicant, all abutters, holders of conservation, preservation or agricultural preservation restrictions, and all professionals whose seal appears on any plat Site Plan and Subdivision review Excavations 155 E require three public places.</i>	<i>675:7 676:4 I d 155-E:7</i>
<i>No public hearings</i>	<i>Lot line adjustments, boundary agreements not creating buildable lots - Notice required (on posted agenda) Voluntary Merger – notice not required but recommended</i>	<i>674:4 Id 674:39 a</i>
<i>Continuation</i>	<i>Note at noticed meeting the date, time, place where application will be taken up again</i>	
<i>App acceptance</i>	<i>30 days to begin review</i>	
<i>Review</i>	<i>65 days to make decision or request extension from applicant Actions as appropriate:</i> <ul style="list-style-type: none"> <li>• <i>schedule a site visit by the board;</i></li> <li>• <i>hold a work session to review details of the application;</i></li> <li>• <i>assign a designee to review the application, visit the site, and report back to the planning board;</i></li> <li>• <i>review any impact studies or reports required as part of the application;</i></li> <li>• <i>request other local boards or officials to review and comment on the proposal; and</i></li> <li>• <i>set the date for the required public hearing.</i></li> </ul>	<i>676:4 Ic</i>
<i>Disapproval</i>	<i>Vote for disapproval with reasons required Written decision with reasons required</i>	<i>676:4 Ie2 676:3 I</i>
<i>Approval</i>	<i>Vote required Written decisions with all conditions required &amp; filed</i>	<i>676:3</i>
<i>NonPublic</i>	<i>Roll Call vote to enter nonpublic session</i>	<i>91 A:3</i>
<i>Records</i>	<i>Filed within 5 business days (M-F)</i>	<i>91 A:2 II</i>
<i>Plat preparation</i>	<i>Prepared and certified by Licensed land surveyor</i>	
<i>Meeting vs Hearing</i>	<i>Meeting does not require applicant or other discussion DHB, Inc. v. Town of Pembroke, 152 N.H. 314 (2005) During acceptance, if applicant talks, limit to location, outline proposal, completeness of application</i>	
<i>Limits of speech</i>	<i>Five-minute time limit. Wright v. Anthony, 733 F.2d 575 (8th Cir. 1984). Prohibition on excessive repetition and irrelevant remarks. White v. City of Norwalk, 900 F.2d 1421 (9th Cir. 1990). Subjects limited. Jones v. Heyman, 888 F.2d 1328 (11th Cir. 1989). Prohibition on rude, personal or slanderous remarks. Scroggins v. City of Topeka, 2 F. Supp. 1362, 1373 (D. Kan. 1998).</i>	
<i>Scenic roads</i>	<i>scenic road repair, maintenance, reconstruction, or paving work or any action taken by any utility or other person shall not involve cutting, damage or removal of trees except with written consent of the planning board after a public hearing advertised as to time, date, place and purpose, 2 times in a newspaper, the last publication to occur at least 7 days prior to such hearing</i>	<i>RSA 231:159- 189</i>