



By-Laws & Policies of the Newcastle Planning Board

Adopted: December 15, 2022

1. General

A. Authority

Pursuant to the authority provided by Article 7, Section 27(B) of the Core Zoning Code, the Planning Board hereby establishes these rules of procedure which shall be known as the "By-Laws of the Newcastle Planning Board."

B. Purpose & Scope

The purpose of these by-laws is to establish reasonable rules of procedure for Planning Board ("Board") meetings and to promote the fair, orderly and efficient conduct of the Board's proceedings and affairs. These rules shall govern the Board's practices and procedures except as otherwise provided by law and shall be liberally construed so as to accomplish their intended purpose. These rules are intended to supplement those contained within the Town's various land use related ordinances.

C. Effective Date

The effective date of these By-Laws or any amendments thereon shall be immediately upon adoption by the Town of Newcastle Planning Board.

D. Amendments or Changes

These by-laws may be amended at any time in writing by a majority vote of the Board.

E. Planning Board Responsibilities

In accordance with Article 7, Section 27(A) of the Core Zoning Code, the responsibilities of the Planning Board are as follows:

- i. Reviewing and deciding on applications requiring Planning Board review as outlined in the Code Zoning Code.
- ii. Providing advice and recommendations to the Board of Selectmen concerning the following:
 - a. Proposed amendments to zoning text or maps of this Code.
 - b. The laying out, alteration, relocation, or discontinuance of public ways and statutory private ways.
 - c. The proposed conveyance of land to the Town.
- iii. Drafting and periodically updating the Comprehensive Plan for the Town of Newcastle, and its subsequent adoption (or designating another authority to do so on the Planning Board's behalf).

2. Board Structure & Officers

- A. The Planning Board is comprised of a minimum of 5 members, all of whom must be legal residents of the Town of Newcastle. Board members shall be appointed by the Selectboard for a period of 3 years.
- B. On an annual basis, the Planning Board shall appoint a Chair and a Vice Chair from their membership.
- C. The Chair shall act as the presiding officer at all Board meetings and shall have authority to rule on questions of evidence and procedure, to maintain order and determine the course of proceedings, and to take such other action as may be necessary and not inconsistent with these by-laws or any other law to enable the Board to perform its duties and conduct its affairs. In the absence of the Chair, the Vice-Chair shall preside and shall have the same authority as the Chair.

3. Attendance

- A. No Planning Board member shall be excused from attendance at a Board meeting without notification to the Chair prior to the meeting. Attendance is expected except when a Board member notifies the Chair prior to the meeting. When a member has four or more unexcused absences in a one year period, the Planning Board will vote to provide a recommendation to the Selectboard regarding whether or not to remove the member.

4. Agendas

- A. The Town Planner, in consultation with the Planning Board Chair, shall set the agendas for Planning Board meetings.
- B. Items shall be placed on the agenda on a first come, first served basis (as determined by time and date of receipt of a completed application). Any items which cannot be fit on the agenda because of the number or length of previously scheduled items, shall receive priority in scheduling for the next regularly scheduled meeting.
- C. All materials for the Board's review shall be posted to the Town's website by 5:00PM on the Friday prior to the Planning Board meeting on which they will be heard. Agendas of all meetings shall also be posted at the Town Office.

5. Pre-submittal Meetings

- A. In accordance with Article 7, Section 3 of the Core Zoning Code, Pre-submittal Meetings are required for the following types of Planning Board applications:
 - i. Large Project Plan

- ii. Subdivision Plan
- iii. Master Plan
- iv. Special Permit

- B. In order to be placed on the Planning Board agenda for a Pre-submittal Meeting, the applicant shall submit to the Town Planner the following items at least two weeks in advance of the Planning Board meeting at which they wish to appear:
 - i. Evidence of right, title, or interest in the subject property (in the form of a lease, purchase and sale agreement, deed, or similar)
 - ii. A brief cover letter summarizing the proposed project
 - iii. A conceptual (sketch) plan showing the proposed layout of the development in as much detail as available
- C. Pre-submittal Meetings are advisory only and are not intended to be an exhaustive review of all potential issues. Participation in a Pre-submittal Meeting does not absolve the applicant of any responsibility for legal or technical due diligence investigation.

6. Administrative Procedures for Planning Board Meetings

- A. When the Planning Board is considering a development application requiring a public hearing in accordance with Article 7, Section 6 of the Core Zoning Code, consideration of the item will adhere to the following procedure:
 - i. The Town Planner will introduce the agenda item and will provide staff's recommendation and any unique considerations for the Planning Board to discuss further.
 - ii. The Applicant will provide a brief presentation of their item, if desired.
 - iii. The Board will have the opportunity to ask questions of either staff or the applicant.
 - iv. The Board will vote to open the public hearing on the item.
 - v. Any members of the public wishing to speak will have the opportunity to present their evidence or ask questions related specifically to the application being considered. Members of the public will have five minutes to speak. At this time, staff will also read any written comments received into the record (if they were not included in the meeting packet posted in advance of the meeting).
 - vi. At their discretion, the Board may answer any questions raised by the public after everyone who wishes to speak has been heard, or to direct staff or the applicant to respond to any questions raised.
 - vii. The Planning Board will vote to close the public hearing.
 - viii. The Planning Board will deliberate and will make a decision.
- B. The Planning Board may alter any of the procedures outlined above by majority vote.

- C. The Planning Board may decide to keep the public hearing open and table further deliberation of the application to a subsequent meeting if additional information is needed in order to make a decision. Prior to tabling the application, the Planning Board will make the applicant aware of the specific items that are needed to assist in further deliberation.
- D. Except by majority vote of members present, the Planning Board will not consider new business after 8:30PM. Any business remaining on the agenda that has not been considered will be added to the agenda of the next regular meeting of the Planning Board.

7. Public Hearings

- A. If a public hearing is required, notifications shall be posted in the Lincoln County News and mailed to abutting property owners (as applicable), in accordance with Article 7, Section 5 (as may be amended).
- B. If a public hearing is required or if the Chair decides to hear public comment during the course of deliberation, the following standards shall apply:
 - i. Speakers during the public hearing must clearly state their name and address or affiliation.
 - ii. The public is well-advised to concentrate their comments on specific characteristics of the proposal or to the specific standards of evaluation for the application.
 - iii. Speakers are asked to present new evidence for consideration by the Board and not to provide repetitious comments.
 - iv. No public comment shall be allowed which has the effect of embarrassing or attacking the character of any individual or Board member.
 - v. Any person determined by the Chair to be disruptive or threatening will be asked to leave the meeting. If they refuse, the Chair reserves the right to suspend the meeting or pause the proceedings until such time as the offending party can be removed from the premises by the Lincoln County Sherriff.

8. Voting

- A. A quorum of the Planning Board shall be at least three voting members.
- B. No formal action may occur in the absence of a quorum; however, when no quorum exists, those members present shall be entitled to request the Chair to call a special meeting for a subsequent date. All matters shall be decided by a show of hands vote, unless otherwise required by law. Decisions on matters before the Board shall require the affirmative vote of a majority of the voting members present.

- C. No member may participate in deliberation or vote in any matter in which the member has a conflict of interest or other disqualification as defined by law.¹ Any questions of whether a member has such a conflict of interest or other disqualification shall be decided by a majority vote of the remaining members. If a member has a conflict of interest as defined by law, that member shall not be counted by the Board in establishing the quorum for the matter in which he or she has a conflict.

9. Reconsideration

- A. Reconsideration of a decision may only occur in the following cases:
 - i. The record contains significant factual errors due to fraud or mistake in determining facts upon which the decision was based; or
 - ii. The Board misinterpreted the Ordinance, followed improper procedures, or acted beyond its jurisdiction.
- B. Reconsideration of a decision must occur within 30 days following the meeting at which the decision was rendered.
- C. In order to reconsider a decision, the Planning Board must notify the applicant and any interested parties of the date of the meeting at which the reconsideration will be considered.
- D. After a vote to reconsider a decision and prior to a vote on a revised or amended action, the Board may conduct additional hearings and receive additional evidence and testimony.
- E. Nothing in this section shall preclude the Planning Board from reconsidering a decision previously rendered when required to do so by a court order or by order of the Board of Appeals.

10. Application Forms

- A. All applications for Planning Board review shall be submitted on one of the Application Forms (as applicable) which have been attached as Appendix A.

¹ The term "conflict of interest" shall be construed to mean direct or indirect pecuniary interest, which shall include pecuniary benefit to any member of the person's immediate family (e.g., grandparent, parent, spouse, child, or grandchild) or to the person's employer or the employer of any member of the person's immediate family.