

Town of Canaan Planning Board

RULES OF PROCEDURE

Adopted by the Planning Board
at a regular meeting on 02/24/11.

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Town of Canaan
Planning Board

RULES OF PROCEDURE

ARTICLE I: Authority

These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) § 676:1.

ARTICLE II: Members

1. **Composition.** The Planning Board (Board) shall consist of six (6) at-large members and one (1) selectman as an ex-officio member, with power to vote, for a total membership of seven (7). The Board of Selectmen shall designate the selectman to serve as the ex officio member.
2. **Requirements.** Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA § 673.
3. **Alternates.** Alternate members may serve on the Board as authorized by RSA § 673:6.
4. **Oath of Office.** Each newly elected or appointed (including re-elected or re-appointed) member shall be sworn in and take an oath of office as required by RSA § 42:1.
5. **Record of Membership.** The Chair shall forward to the town clerk for recording the appointment or election and expiration dates of the terms of each member of the Board.

ARTICLE III: Officers

1. **Officers and Duties.** The officers of the Board shall be as follows:
 - a. **Chair:** The Chair shall preside over all meetings and hearings; shall prepare, with the assistance of other members of the Board, an annual report; submit approved plats for recording with the town clerk; act as a resource to applicants; and shall perform such other duties customary to the office.
 - b. **Vice-Chair:** The Vice-Chair shall preside in the absence of the Chair and shall have the full powers of the Chair on matters that come before the Board in the absence of the Chair.
 - c. **Secretary:** The Secretary shall maintain the Board's application records; apprise the Town Offices of the status of applications; ensure the proper notification and posting of meetings and hearings; coordinate the Board's schedule; prepare meeting agenda; and fulfill such other duties as the Chair may specify.

2. **Scribe.** The Board shall appoint a Scribe who may be a member of the Board, and may provide for reasonable compensation for the Scribe's services. The Scribe shall keep a full and accurate record of the proceedings of each meeting; record the names of the members present; record the names of applicants, abutters, and other persons addressing the Board during meetings and hearings; prepare and distribute minutes of the meetings; file copies of approved minutes with the town clerk; and fulfill such other duties as the Chair may specify. In the absence of the Scribe, the Chair shall appoint a Scribe pro tem to keep records of the meeting.
3. **Election of Officers.** The officers of the Board shall be elected annually during the month of March by a majority vote of the Board. If requested by a majority of those present, voting shall be by roll call or written ballot.
4. **Creation and Dissolution of Offices and Committees.** Under the authority of RSA § 673:8, the Board may create or dissolve offices, except for the office of Chair, as it from time to time deems necessary. The Board may appoint committees for special purposes as it from time to time deems necessary.

ARTICLE IV: Meetings

1. **Regular Meetings.** Regular meetings shall be held on the second and fourth Thursday of each month in the Great Hall of the Senior Center. Regular meetings shall not be held on holidays. A majority of members presents may vote to reschedule regular meetings as necessary. Rescheduled meetings shall be subject to the same notice provisions as other meetings.
2. **Special Meetings.** Special meetings may be called by the Chair or in her/his absence, by the Vice-Chair, or at the request of three members of the Board provided public notice and notice to each member is given at least 48 hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting.
3. **Nonpublic Session.** Nonpublic sessions shall be held only in accordance with RSA § 91- A:3.
4. **Quorum.** A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular members.
5. **Appointment of Alternates.** If any regular Board member is absent from a meeting or hearing, or disqualifies her/himself from sitting on a particular application, the Chair shall designate one of the alternate members to sit in place of the absent or disqualified member. Such alternate shall have all the powers and duties of a regular member in regard to any matter under consideration on which the regular member is unable to act. The alternate should continue until the matter is completed; the regular member has neither voice nor vote on that matter.
6. **Disqualification.** If any member finds it necessary to be disqualified from sitting on a particular case, as provided in RSA § 673:14, s/he shall notify the Chair as soon as possible so that an alternate may be requested to fill the place. The disqualification shall be announced by either the Chair or the member before the discussion or the public hearing on the application begins.
7. **Questions of Disqualification.** If uncertainty arises as to whether a Board member should disqualify her/himself, on the request of that member or the request of another member of the Board, the Board shall vote on the question of

whether that member should be disqualified. Such request and vote shall be made prior to or at the commencement of any required public hearing. A vote on a question of disqualification shall be advisory and non-binding, and may not be requested by persons other than board members.

8. **Order of Business.** Order of business shall be as follows:

- a. Call to order
- b. Chair appoints alternates, if necessary
- c. Minutes of previous meeting
- d. Review of correspondence directed to the Board
- e. Other routine business and announcements
- f. Preliminary completeness review of filed applications
- g. Scheduling of complete applications for formal submission
- h. Final completeness review, formal submission of applications and public hearings
- i. Conceptual consultations
- j. Other operational business
- k. Adjournment

9. **Public Discussion.** During regular or special meetings, public discussion shall be at the discretion of the Chair. The Chair may place reasonable limits on discussion to ensure the orderly and timely conduct of business. Public discussion during public hearings shall be conducted in accordance with Article VIII of these Rules.

10. **Voting.** A motion, duly seconded, shall be carried by an affirmative voice vote of a majority of the members present, unless otherwise provided for under these Rules. Voting may be by roll call if requested by a majority of the members present.

Comment: Except as permitted under Article III, RSA § 91-A:2, II, prohibits secret ballot voting by any public body while in open session.

ARTICLE V: Applications for Subdivision or Other Board Actions

1. **Obtaining Applications.** Applicants shall obtain applications and other necessary documents from Town Offices.

Comment: The Town Office representative may answer procedural questions from applicants regarding deadlines, notices, fees, and other such matters. Substantive questions involving statutes, regulations, or the Board's review and approval process should be directed to the Board's Chair.

2. **Return of Applications.** Applicants shall return applications and any applicable supporting documents to the Town Offices.

3. **Filing of Applications.** The Town Offices shall document the date the application is received, collect all necessary filing fees, place the application in the Board's files, and inform the applicant of the date when the Board will conduct a preliminary completeness review of the application.

4. **Collection of Applications.** Prior to each meeting of the Board, the Secretary shall collect applications pending preliminary completeness review from the Town

Offices. The Secretary shall verify that each file contains the date the application was received in the Town Offices and that all applicable fees have been collected.

Comment: If evidence of the date received or collection of fees is missing, the application shall not be presented to the Board for review. The applicant and the Town Offices shall be informed of the deficiency as soon as practicable. The Secretary shall not make any other determination regarding the completeness of any file.

5. **Preliminary Completeness Review.** During the Preliminary Completeness Review portion of each regular meeting, the Board shall review applications for completeness using the appropriate checklist, as published in the Board's Subdivision Regulations, as a guide. The Board shall not make any determinations regarding the merits of the application at this time.
6. **Scheduling of Formal Submission.** If the application appears complete, the Board will schedule the application for final completeness review and formal submission. The date of formal submission must be at least 15 days after the application was filed in the Town Offices.

Comment: The Board should not vote to accept the application at this time. Acceptance would constitute "formal submission" and would require notice to abutters and the public. When selecting the date for formal submission, the Board may wish to estimate the amount of time to allocate to the application depending on its perceived complexity. A public hearing will immediately follow formal submission. The Board may also wish to take this public hearing into account when deciding the amount of time to allocate to the application.
7. **Notification.** When formal submission of the application has been scheduled on the Board's agenda, the Town Offices shall be notified as soon as possible so that the necessary public and personal notices can be issued.
8. **Final Completeness Review, Formal Submission, and Public Hearing.** At the meeting when the application is scheduled for formal submission, the Board shall make a final determination that the application is complete. If so, the Chair shall entertain a motion to accept the application. An affirmative vote of the majority is required to accept the application as formally submitted. Immediately after the vote, the Chair shall open a public hearing in accordance with Article VIII of these Rules.
9. **Incomplete Applications.** If an application is determined incomplete, the Board shall take no further action and shall notify the applicant in writing of any deficiencies. The Town Offices should also be notified that the applicant may be submitting additional items.

Comment. A copy of the checklist indicating the deficient items and bearing authentication by the Chair should suffice for written notification to the applicant.
10. **Other Procedures.** Any other procedure not specifically addressed under this Article shall be governed by the applicable sections of the Board's Subdivision Regulations, herein incorporated by reference.

ARTICLE VI: Forms

Any forms referenced herein and revisions thereof shall be adopted by resolution of the Board and shall become part of these Rules. (See Appendices).

ARTICLE VII: Notice

1. **Regular Meetings.** Notice of all regular meetings must be given at least 48 hours (excluding Sundays and legal holidays) in advance by posting at the Canaan Town Hall and the Canaan Post office.
2. **Required Notice.** Public and personal notice is required for all design reviews and for the formal submissions of and public hearings on each application.
3. **Public Notice.** Public notice shall be given in the Valley News and by posting at both the Canaan Town Hall and the Canaan Post Office not less than ten (10) days (excluding the day of posting and the day of the meeting) prior to the date fixed for formal submission and consideration of the application.
4. **Personal Notice.** Personal notice shall be made by certified mail to the applicant, all abutters and any professional whose seal appears on any plat not less than ten (10) days (excluding the day of mailing and the day of the meeting) prior to the date fixed for formal submission of the application to the Board.
5. **Continuation.** Additional notice is not required if a public hearing is recessed without a final decision provided that the date, time, and place for continuance of the hearing is announced to all in attendance at the time of recess.

ARTICLE VIII: Public Hearings

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

1. **Opening.** The Chair shall open the hearing and read the Public Hearing Opening Statement.
2. **Time of Opening.** The Scribe shall record the time that the hearing is opened.
3. **Verification of Notice.** The Chair shall request the Secretary to verify that all required notices were given.
4. **Names of Abutters.** The Scribe shall request all abutters to identify themselves and record the names.
5. **Presentation of Proposal.** The Chair shall request the applicant or applicant's agent to present the proposal.
6. **Order of Public Discussion.** Following the applicant's presentation, the Chair shall open the floor to public discussion. The order of public discussion shall be as follows:
 - a. Abutters favoring the proposal.
 - b. Abutters opposing the proposal.
 - c. Abutters neither favoring nor opposing the proposal.
 - d. Canaan residents favoring the proposal.
 - e. Canaan residents opposing the proposal.
 - f. Canaan residents neither favoring nor opposing the proposal.
 - g. Representatives of other Canaan town boards, committees, or departments speaking in their official capacity.

- h. Other members of the general public, as permitted by the Board.
7. **Limitations on Public Discussion.** The Chair shall have the discretion to place reasonable limits on discussion to ensure the orderly and timely conduct of business.
8. **Questions from the Board.** Members of the Board may ask questions directly to the applicant at any point during the hearing. Board members desiring to ask questions of other persons in attendance should first request permission from the Chair.
9. **Questions from Other Persons.** Other persons desiring to ask questions of any other party shall direct questions to the Chair.
10. **Identification of Speakers.** Each person who speaks shall be required to state her/his name and indicate his/her interest in the matter.
11. **Written Testimony.** Persons unable to attend the hearing may offer testimony in writing.
12. **Recess of Hearings.** If the Board is unable to conclude the hearing in the time allotted, the Chair shall recess the hearing and continue it to a date, time, and place certain, and shall announce this to all in attendance. The Scribe shall record the time of recess and continuation. The Rules in this Article shall apply to continuations of recessed hearings except that the Chair shall announce that the hearing has been previously opened.
13. **Close of Hearing.** After all testimony has been heard, the Chair shall declare the hearing closed and the Scribe shall record the time of closing.
14. **Deliberation by the Board.** The Chair shall call for the Board to begin deliberation.
15. **Additional Testimony.** No additional testimony may be heard unless given directly in response to a Board member's question.

ARTICLE IX: Decisions

1. **Time of Decisions.** The Board shall render a written decision within 65 days of the date of submission of a completed application, subject to extension or waiver as provided in RSA § 676:4.
2. **Actions Available.** The Board shall act to approve, conditionally approve, or disapprove.
3. **Public Inspection.** Notice of decisions will be made available for public inspection at the Canaan Town Hall within 72 hours after the decision is made as required in RSA § 676:3.
4. **Notice of Disapproval.** If the application is disapproved, the Board shall provide the applicant with written reasons for the disapproval.

ARTICLE X: Records

1. **Public Inspection.** The records of the Board shall be kept by the Scribe and approved copies shall be made available for public inspection at the Canaan Town Hall as required by RSA § 676:3,11.

2. **Minutes.** Approved minutes of the 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 144 hours of the public meeting as required in RSA § 91-A:2, II.

ARTICLE XI: Joint Meetings and Hearings

1. **Authority.** The Planning Board may hold joint meetings and hearings with other Canaan town boards, committees, or departments. Each board shall have discretion whether or not to hold such joint meetings or hearings.
2. **Business Meetings.** Joint business meetings with another board may be held at any time when called jointly by the chairs of the two boards.
3. **Joint Hearings.** 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. **Notice.** The notice requirements of Article VII shall apply for all joint meetings and hearings.
5. **Chair.** The Planning Board Chair shall chair all joint meetings and hearings when the subject matter invokes the Planning Board's jurisdiction. Otherwise it shall be chaired by the board requesting the meeting.
6. **Rules and Order of Business.** If the Planning Board Chair presides, these Rules shall apply to all joint meetings and hearings except that the order of business shall include the following:
 - a. Introduction of members of all boards, if requested
 - b. Explanation of reason for joint meeting/hearing.
7. **Decisions.** Each board involved in a joint meeting or hearing makes its own decision, based on its criteria for the particular matter.
8. **Minutes.** The Planning Board Scribe shall keep the official minutes of the meeting/hearing if the Planning Board Chair presides.

ARTICLE XII: Amendment

1. **Authority.** These Rules may be amended by a two-thirds majority vote of the members of the Board.
2. **Proposal.** Any regular member of the Board may propose amendments at any regular meeting. Proposed amendments shall be in writing and shall be presented to the Chair. The member should briefly state the reasons for the proposed amendment.
3. **Reading.** The Chair shall read the proposed amendment and shall entertain a second to the proposal.
4. **Discussion.** If seconded, the Chair shall schedule discussion of the proposed amendment at a subsequent meeting.
5. **Adoption.** If adopted, the amended procedures shall be filed with the town clerk.

ARTICLE XIII: Application Fees

1. Application fees shall be payable to the Town of Canaan at the time of application. A fee of \$150.00 includes town processing and Registry of Deeds filing of a single sheet Mylar. An additional fee to cover US Postal Services certified mailings to all abutters, and others as determined by law, is required. This is calculated as the number of addresses times the current USPS certified return receipt charge. A separate check made payable to the Registry of Deeds for the LCHIP fee (currently \$25.00), shall be included with the plat (Mylar), when submitted for final approval. Any additional fee imposed by county, state or federal government shall be paid by the applicant.

Appendix A: Personal Legal Notice

Town of Canaan
Planning Board

NOTICE OF SUBMISSION OF APPLICATION AND PUBLIC HEARING

Name of Applicant: _____

Type of Application: _____

Description of Application: _____

Location of Property: _____

Tax Map & Lot Number: _____

Date: _____ Time: _____

Notice is hereby given in accordance with RSA § 676:4 that the above application will be submitted to the Canaan Planning Board at the Senior Center, Great Hall, during a regular meeting of the Board at the date and time indicated. You have received this notice because our records indicate that you are:

- The applicant
- An abutting property owner
- An interested third party as described in RSA § 676:4, I, (d)

Upon a finding by the Board that the application meets the submission requirements of the Canaan Subdivision Regulations, the Board will vote to accept the application as complete and a public hearing on the merits of the proposal will follow immediately. Please be advised that your right to testify is restricted to the public hearing portion of the meeting and that the Board has the discretion of placing certain limitations on testimony to maintain the orderly and timely conduct of business. If you are unable to attend the hearing, you may submit comments to the Board in writing.

Should a decision not be reached at the public hearing, this application will stay on the Board's agenda until such time as it is either approved, conditionally approved, or disapproved.

Per order of the Canaan Planning Board,

Secretary

Appendix B: Public Legal Notice

Town of Canaan
Planning Board

NOTICE OF SUBMISSION OF APPLICATION AND PUBLIC HEARING

Name of Applicant: _____

Type of Application: _____

Description of Application: _____

Location of Property: _____

Tax Map & Lot Number: _____

Date: _____ Time: _____

Notice is hereby given in accordance with RSA § 676:4 that the above application will be submitted to the Canaan Planning Board at the Senior Center, Great Hall, during a regular meeting of the Board at the date and time indicated.

Upon a finding by the Board that the application meets the submission requirements of the Canaan Subdivision Regulations, the Board will vote to accept the application as complete and a public hearing on the merits of the proposal will follow immediately. Please be advised that your right to testify is restricted to the public hearing portion of the meeting and that the Board has the discretion of placing certain limitations on testimony to maintain the orderly and timely conduct of business. If you are unable to attend the hearing, you may submit comments to the Board in writing.

Should a decision not be reached at the public hearing, this application will stay on the Board's agenda until such time as it is either approved, conditionally approved, or disapproved.

Per order of the Canaan Planning Board,

Secretary

Appendix C: Request for Conceptual Consultation

Please complete the following and return to the Town Office. There are no fees or formal notice requirements for this Consultation. You will be notified when your Consultation has been scheduled. If your request is deferred, you will also be notified and receive comments from the Board.

Today's Date: _____ Name: _____

Mailing Address: _____ Phone: _____

_____ Fax: _____

_____ Email: _____

Location of Affected Parcel(s): _____

Tax Map & Lot # of Affected Parcel(s): _____

Please provide a brief, general description of your proposal along with any specific questions you would like the Board to address. If possible, please also include on a separate page, a drawing representative of your proposal (hand drawing is acceptable). Attach additional pages if necessary:

=====

Planning Board Use Only

Date Reviewed: _____ Consultation: Scheduled Deferred

(see Comments below)

Consultation scheduled for (Date & Time): _____

Comments: _____

Secretary

Appendix D: Planning Board Review Process

Preliminary Conceptual Consultation (optional)

No fees, no Application, and no abutter notice required.

Discussions are general and non-binding.

Obtain Planning Board Secretary's contact information from Town Office.

Schedule time and date with Planning Board Secretary.



Design Review Phase (optional)

Fee and 12 day abutter notice required, but Application not required.

Discussions are specific but non-binding

Pay fee at Town Office.

Secretary contacts applicant with meeting date and time.



Applicant obtains blank Application from Town Office.



1. Applicant returns completed Application to Town Office
2. Applicants pays fees to Town Office



Planning Board Secretary collects applications and verifies dates and fees.



Next Regular Meeting

1. Conduct Preliminary Completeness Review.

2. Schedule Final Completeness Review.

3. Schedule Formal Submission (at least 15 days after fees paid)



Town Office publishes newspaper notice and mails abutter notices.



Single or multiple future meetings

1. Final Completeness Review.

2. Formal Submission (at least 12 days after notice).

3. Public Hearing.

4. Decision (65 days maximum after Formal Submission).

Appendix E:

FORM C
APPLICATION FOR APPROVAL OF FINAL SUBDIVISION PLAT

Town of Canaan, New Hampshire

TO BE FILLED OUT BY OWNER:

1. Subdivision Name: _____

2. Subdivision Location: _____

3. Tax Map and Parcel Number: _____

4. Owner of Record: _____

Address: _____

5. Has an agent been appointed to represent the owner? Yes ___ No ___

Agent's Name: _____

Address: _____ Tel. _____

6. Names and addresses of all abutters, as indicated in town records not more than live (5) days before the filing of this application:

Abutter's Name

Address

(continue on additional sheet as necessary)

7. Date of regularly scheduled Planning Board meeting at which application for preliminary layout review is to be submitted to Board: _____

8. Have the requirements for final plat submission been met in their entirety, as required by the Canaan subdivision regulations? Yes ___ No ___

If not, please indicate all exceptions or waivers requested (use additional sheets if necessary):

(Over)

9. Number of lots proposed for final approval: _____

10. Type of subdivision: Minor ____ Major ____

11. List all maps and other material accompanying this application:

<u>Number</u>	<u>Item</u>
_____	Polyester film copies of final plat
_____	Blue or black line prints
_____	Construction detail sheets
_____	_____
_____	_____
_____	_____

12. General Comments: _____

13. The undersigned hereby requests final approval by the Planning Board of the above-identified subdivision plat.

Signature (owner): _____ Date: _____

***** FOR OFFICIAL USE ONLY *****

14. Date application received by the Secretary of the Board: _____

15. Application file number: _____

16. Date application formally accepted by the Board: _____

17. Date 90-day review period terminates: _____

18. Date abutter's notification to be nailed by: _____

19. Date of public hearing: _____

20. Date public hearing notices to be mailed and published by: _____

(CONTINUED)

APPLICATION FOR APPROVAL OF FINAL SUBDIVISION PLAT

File No. _____

21. Fees Paid:

Date	Purpose	Amount
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

22. Final plat approval granted: _____ **(date)**

Signature (Planning Board Chairman or Secretary): _____

Date filed with Register of Deeds: _____

Volume: _____ **Page:** _____

23. Final plat approval denied: _____ **(date)**

Signature (Planning Board Chairman or Secretary): _____

24. General comments or notes:

Appendix F:

APPLICATION FOR WAIVER OF SUBDIVISION/SITE PLAN REVIEW REQUIREMENT

Date:

To the Chairman and Members of the Canaan Planning Board:

On (DATE) I submitted a plan for (subdivision/site plan review) approval to the Board, entitled () and prepared by (). Pursuant to the Board's regulations, I am requesting a waiver from the following items for reasons stated below:

1) _____

2) _____

3) _____

4) _____

5) _____

Respectfully submitted,

Appendix G:

ADOPTION OR AMENDMENTS TO SUBDIVISION OR SITE PLAN REVIEW REGULATIONS

Town of Canaan
NOTICE OF PUBLIC HEARING

Pursuant to RSA 675:7, the Planning Board will hold a public hearing on (DATE) (TIME) at (LOCATION) on (a proposed amendment or the adoption of the (Subdivision Site /Plan Review)) Regulation. The effect of the (proposed amendment or proposal) will be to:

(here insert a topical description of the proposed changes:-)

A full copy of the text of the proposed amendment is available for review in the Town Office during regular business hours.

Per order of the Canaan Planning Board

Secretary

Appendix H:

NOTICE OF PUBLIC HEARING TO REVOKE PLANNING BOARD APPROVAL

Town of Canaan
LEGAL/PUBLIC NOTICE

Notice is hereby given in accordance with RSA 676:4-a the Planning Board will hold a public hearing on (DATE) at (TIME) at (LOCATION) for the purpose of considering whether to revoke a plan previously-approved on (DATE) and filed with the Grafton County Register of Deeds. The Board is considering revocation for the reasons stated below. Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

Per order of the Canaan Planning Board

_____,Secretary

Appendix I:

DECLARATION OR REVOCATION

[Once the Board has voted to revoke a previously-approved plan, a declaration of revocation must be filed with the county register of deeds no sooner than 30 days after written notification to the applicant, or 30 days after the public hearing, whichever is later. The declaration must be recorded under the same name as that on the original approval, date, endorsed in writing by the Planning Board, and contain reference to the recording information of the plan being revoked.]

Notice is hereby given that Canaan Planning Board voted on (DATE) to revoke the approval of (Plan Name) granted to (Applicant Name) on (DATE). The Plan was recorded in the Grafton County Register of Deeds as Plan (Name) and filed on (DATE). The approval was revoked for the following reasons:

Respectfully Submitted,

Planning Board Chair