SALISBURY PLANNING BOARD

RULES OF PROCEDURE

Section 1: Authority

1.1 These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated Chapter 676:1.

Section 2: Membership

2.1 The Planning Board shall consist of five (5) members one of whom shall be a Selectman designated by the Board of Selectmen as an Ex-Officio member with power to vote.

2.2 Selection, qualification, terms, removal of members, and filling of vacancies shall conform to RSA 673.

2.3 Alternate Board members shall be appointed in accordance with RSA 673:6.

2.4 Whether seated by election or appointment, all members will be encouraged to complete at least six (6) hours of training within one (1) year of assuming office for the first time. Training shall be as furnished annually by the Central N.H. Regional Planning Commission, or as designed and furnished by the Office of State Planning.

Section 3: Officers

3.1 The officers of the Board shall be as follows:

a. Chairman. The Chairman shall preside over all meetings and hearings; shall appoint committees of resident citizens including one member of the Board, or alternate member of the Board, who shall act as Chairman; and shall perform other duties customary to the office. Pursuant to RSA 673:9, II, the Ex-Officio member shall not serve as Chairman.

b. Secretary. The Secretary shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters which come before the Board during the absence of the Chairman. The Recording Secretary shall be responsible for the maintenance of the Board minutes and the Planning Board shall review said minutes for accuracy. However, the Board may retain a Recording Secretary whose minutes shall be reviewed by the Board for accuracy. The Secretary shall countersign the Chairman's endorsement of the Board's approval on plats and other documents as required.

3.2 The officers of the Board shall be elected annually at the first regular meeting in April, held on the on the first Monday as the first order of business, by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.

Section 4: Planning Department Staff

4.1 The Planning Department staff may consist of a Planning Assistant / Recording Secretary.

Section 5a: Standards of Conduct

5a.1 The primary obligation of Planning Board members is to serve the public interest, and to conduct themselves so as to maintain public confidence in the Planning Board and the conduct of its business.

5a.2 Members shall not directly or indirectly solicit any gifts or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, premises or in some other form), under circumstances in which it could be reasonably inferred that the gift was intended to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.

5a.3 To avoid conflict of interest or even the appearance of impropriety, any member who may receive some private benefit from a public Planning Board decision must not participate in that decision. The private benefit may be direct or indirect; create a material personal gain or provide an advantage to relations, friends, groups or associations that hold a significant share of the official's loyalty. An official with a conflict of interest must make that interest public, abstain from voting on the matter, and except as specified below, leave the table or podium area when Board members deliberate and vote on a matter. Further, the Board member may not discuss the matter privately with any other Board member voting on the matter or otherwise communicate directly or indirectly with Board members regarding the matter in question so as to attempt to influence the vote on said question.

5a.4 A Board member must not disclose or improperly use confidential information obtained in the course of his duties for financial gains or to further a personal interest.

5a.5 All Board members share a responsibility to enforce adherence to the standards of conduct herein. If a member believes that one or more members may either by intention or inadvertence be in violation of these standards, that member shall call that fact to the attention of the Board. In the event of a dispute as to whether a member should or should not participate, the question shall be posed to the Board, as to whether the member in question should or should not participate. Such vote shall be advisory and non-binding and not be requested by other than Board members.

Section 5b: Authority of Planning Board Members and Staff

5b.1 No action or statement by any Board member or officer, or any employee of the Planning Board or the Town of Salisbury, shall bind the Town, absent a formal vote by the Board acting at a duly noticed hearing; and no applicant or person who has an interest in a matter before the Board is entitled to rely upon any statement or action. Statements or actions taken by Board members or employees outside of a regularly-scheduled and noticed hearing are informational only, and are designed to expedite the planning process and assist applicants and others with an interest.

5b.2 During regular meeting sessions, should there be a difference of opinion, on any legal point, by two or more members of the Board than legal advice shall be sought or obtained by town counsel prior to a final decision being rendered by the Board.

Section 6: Meetings

6.1 Regular meetings shall be held at least monthly at Academy Hall, or if space is a concern, at Town Hall, at 7:00 p.m. on the first Monday of each month.

6.2 Special Meetings and Work Sessions may be called by the Chairman, or in his absence, by the Secretary, or at the request of three members of the Board provided public notice and notice to each member is given at least 24 hours in advance of the time of such meeting, excluding Sundays and legal holidays. Regular work sessions will be scheduled for the third Monday of each month and held at Academy Hall at 7:00 p.m.

6.3 Non-Public Sessions shall be held only in accordance with RSA 91-A:3, II.

6.4 Quorum. The Board has a membership of 5 regular members and 5 alternates, pursuant to RSA 673:6 II. Therefore, a quorum for all meetings shall consist of 3 members including alternates sitting in place of regular members.

If any regular Board member is absent from a meeting or hearing, or disqualifies himself from sitting on a particular application, the Chairman shall designate one of the alternate members to sit in place of the absent or disqualified member, and such alternate shall have all the powers and duties of a regular member in regards to any matter under consideration on which the regular member is unable to act. Pursuant to RSA 673:11, only the alternate designated for the Ex-Officio member shall serve in place of that member.

6.5 Disqualification. If any member finds it necessary to disqualify himself from sitting in a particular case, as provided in RSA 673:14, he shall notify the Chairman as soon as possible so that an alternate may be requested to sit in his place.

The disqualification shall be announced by either the Chairman or the member disqualifying himself before the beginning of the consideration of, or the public hearing on, the application. The member disqualifying himself shall absent himself from the Board table during all deliberations and the public hearing on the matter, and shall state for the minutes the reasons for the disqualification.

If uncertainty arises as to whether a Board member should disqualify himself, on the request of that member or on 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, except as may otherwise be provided for under local ordinance.

6.6 Order of Business. The order of business shall be as follows:

a. Call to order by Chairman;
b. Roll call;
c. Miscellaneous business;
d. Hearings on subdivisions, site plans, or any other issues;
e. Miscellaneous business; and
f. Adjournment.

6.7 A motion that is duly seconded shall be carried when a simple majority of members present are voting in the affirmative.

6.8 An affirmative vote of a majority of members voting on a question shall be sufficient for adoption of the question. Members of the Board present may be counted to determine whether a quorum is present although they abstain from voting affirmatively or negatively. Persons abstaining shall not be considered "members voting" in determining whether a question has been adopted.

6.9 Alternate members shall only vote when appointed to sit in the place of an absent or disqualified member, excepting that alternate members may vote on administrative and procedural matters.

6.10 A motion to reconsider a previous vote by the Board shall be in order only if made by a member who voted on the original question, or at the discretion of the Chairman.

6.11 All meetings of the Planning Board shall be concluded by at 10:30 P.M., with any unfinished business being carried forward to the next regularly scheduled meeting or an adjourned session, unless a majority of the Board votes to extend the closing time of the subject meeting.

Section 7: Applications

7.1 Applications for hearings before the Board shall be made on forms provided by the Planning Board Office and shall be presented to the Planning Assistant / Recording Secretary who shall sign and record the date of receipt.

7.2 Applications shall be brought before the Board for their determination of completeness within 30 days of delivery to the Selectmen's Office, or at the next regularly scheduled meeting.

7.3 At each regular meeting, the Planning Assistant / Recording Secretary shall present to the Board only applications received at least thirty days before the date of the meeting and having had proper notice.

7.4 The Board shall reject all applications not properly completed. The Board shall render a written decision pursuant to RSA 676:3 describing the information, procedure or other requirement necessary for the application to be complete.

Section 8: Agenda Management

8.1 The Planning Assistant /Recording Secretary shall maintain a file for applications received for Planning Board consideration, kept in sequence of the time at which a completed application is received in the office. The Planning Assistant /Recording Secretary shall not accept nor schedule for consideration by the Board an application which is not substantially complete.

8.2 Pursuant to State law, an application may only be "accepted" by the Planning Board at a public hearing held by the Board.

8.3 Requests by an applicant to be placed on an agenda, other than a new application, must be received not less than five days prior to the date of the meeting.

8.4 Information regarding an application under consideration by the Board, or for inclusion on the Miscellaneous Business agenda, must be submitted to the Planning Board Office one week prior to the Monday night meeting at which the information is to be considered. Information submitted after that day or at the hearing shall be taken under advisement and discussed at a time and place to be specified by the Board, unless waived by a majority vote of the Board.

Section 9: Forms

9.1 All forms prescribed herein and revisions thereof shall be adopted by resolution of the Board and shall become part of these rules of procedure.

Section 10: Notice

10.1 Public notice of the submission of, and public hearings on each application, shall be given by posting not less than ten (10) days prior to the date fixed for submission and consideration of the application, at the following locations:

- Academy Hall
- Salisbury Post Office

10.2 Personal notice shall be made by certified mail to the applicant and all abutters not less than ten (10) days prior to the date fixed for submission of the application to the Board.

Section 11: Public Hearings

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

11.1 The Chairman shall call the hearing in session. He shall introduce the Board and request the names of applicants, agents, abutters and all other interested parties present, and outline the meeting procedures.

11.2 The Chairman shall read the application and report on the manner in which public and personal notice was given.

11.3 Members of the Board may ask questions through the Chairman at any point during the presentation.

11.4 Any party to the matter who desires to ask a question of another party to the matter must go through the Chairman.

11.5 Any applicant, any 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 public hearing.

11.6 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.

11.7 The applicant may be called to present his proposal. The Chairman may then ask for Central N.H. Regional Planning Commission's report on the proposal. Those appearing in favor of the proposal shall be allowed to speak.

11.8 Those in opposition to the proposal shall be allowed to speak.

11.9 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.

11.10 The Chairman 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.

Section 12: Decisions

12.1 The Board shall render a decision on all completed applications within 65 days of the date the application is determined to be complete, subject to extension or waiver granted by the Selectmen as provided in RSA 676:4, I, (f).

12.2 The Board shall act to approve, conditionally approve, or disapprove, subject to extension or waiver as provided in RSA 676:4.

12.3 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.

12.4 If the application is disapproved, the Board shall provide the applicant with written reasons for the disapproval.

Section 13: Records

13.1 The records of the Board shall be kept at the Planning Board office and shall be made available for public inspection at the Academy Hall as required by RSA 676:3, II.

13.2 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 5 business days of the public meeting as required in RSA 91-A:2,II.

Section 14: Joint Meetings and Hearings

14.1 RSA 676:2 provides that the Planning Board may hold joint meetings and hearings with other "land use Boards" including the Board of Adjustment, the Conservation Commission and the Building Inspector, and each Board shall have the discretion as to whether or not to hold such joint meeting or hearing.

14.2 Joint business meetings with another local land use board may be held at any time when called jointly by the Chairmen of the two boards.

14.3 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.

14.4 The Planning Board Chairman shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.

14.5 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 Chairman;
b. Introduction of members of both boards by Chairman;

c. Explanation of reason for joint meeting/hearing by Chairman;
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; and
e. Adjournment.

Section 15: Site Visits

15.1 A "site visit" is defined as a visit by the Board, or a member of the Board, and representatives of Town departments and other Town Boards and Commissions who have an interest in the proposal, to a location which is the subject of an application before the Board, where the visit is in the company of the owner, applicant, their agents or employees and involves going onto the property or visiting areas which are not customarily available for public inspection. (This does not include a view of a site from adjoining public highways or other observations that can be made without entering on the property.)

15.2 When the Board deems it necessary for the adequate consideration of an application, the Board shall request the applicant to allow a site visit by the Board.

15.3 When the Board schedules a site visit for Board membership, it shall be posted as a meeting of the Board in accordance with RSA 91-A.

15.4 Attendance at site visits by members of the general public shall be with the property owner's permission only.

15.5 Minutes of site visits shall be kept only if there is a quorum of the Board conducting the site walk. Minutes shall be in accordance with Section 14.

Section 16: Amendment

16.1 These rules of procedure may be amended by a majority vote of the members of the Board provided that such amendment is adopted at a regular meeting of the board. Amendments to the Rules of Procedure shall be placed on file with the Town Clerk.

Section 17: Severability Clause

17.1 If any provision herein shall be held to be invalid, for any reason, by a court of law, such holding shall not invalidate any other provisions contained in these Rules of Procedure.

Section 18: Waiver Clause

18.1 The Planning Board may, by a majority vote of its members present, waive any portion of these Rules of Procedure, as deemed necessary for the pending issue.

Section 19: Fees and Costs

19.1 The following shall constitute the necessary filing fees for consideration of site development plans:

Application fee:	$100 per lot
Escrow Account:	$150 per lot
Legal Notification	$200
Recording Fee	$ 30
LCHIP Surcharge	$ 25 (effective 7/1/08)

19.2 The following shall constitute the necessary notice fees which shall accompany any application noted above:

Certified Letter Fee: $16.00 per abutter letter.

Section 20: Procedures for review of applications for building on Class VI Roads

Applications for building on Class VI roads and private roads not part of a subdivision plat will be reviewed according to the SOP adopted in February 2005 by the Board of Selectmen (SOP 05-001) and supported by the Planning Board, as a result of Public Hearing held at that time.

a. Procedure set up to start with an application to the Board of Selectmen with a copy to be forwarded to the Planning Board for preliminary review.
b. Planning Board to accompany the Board of Selectmen on preliminary site visit as provided by SOP 05-001. The Application is then to be reviewed by the Planning Board for a recommendation to the Board of Selectmen.

Rules of Procedure were adopted by the Salisbury Planning Board on May 5, 2003.
Section 20 adopted by Salisbury Planning Board on August 21, 2003

Amendments 8/2/06:

Section 5b: Authority.	Change paragraph 6b.1 to 5b.1. Add 5b.2 and change 5b.2 legal advice should be to legal advice shall be
Section 6: Meetings.	In paragraph 6.1, change the first Monday to the first Wednesday. In paragraph 6.2 change Thursday of each month to Wednesday of each month.
Section 8: Agenda	In paragraph 8.4 change Monday night to Wednesday night.
Section 19: Fees	Add recording fee $30 Add legal notification fee $200
Section 20: Procedure	In paragraph 20.1(k) change recommend or not to recommend or not recommend

Amendments 4/4/07

Section 3: Officers	In paragraph 3.2 language changes to First meeting in April.

Amendments 6/16/08

Section 13: Records	In paragraph 13.2 change 144 hours to 5 business days.
Section 19: Fees & Costs	The LCHIP Surcharge fee added.
Section 8: Agenda Management	In paragraph 8.4 Wednesday changed to Monday

Amendments 9/8/14

Section 4.1: PB Staff	The word "Coordinator was replaced with "Assistant".
Section 6: Meetings	Wednesdays were changed to Mondays.
Section 6.4: Quorum	Added statutory reference, RSA 673:6, II.
Section 7: Applications	The word "Coordinator was replaced with "Assistant".
Section 8.1: Agenda Mgmt.	The word "Coordinator was replaced with "Assistant".
Section 10: Notice	Salisbury Town Hall was removed as a posting location.
Section 11: Public Hearings	The word "Agent" was added to 11.1, the word "public" was added before the word hearing in 11.5 and the word "shall" was replaced with "may" in 11.7.
Section 12: Decisions	The words "granted by the Selectmen" was added after the word waiver in 12.1 and 144 hours was replaced with 5 business days in 12.3.

Amendments 10/6/14

Section 20: Class VI Roads	Several procedures were removed from this section, in order to fall in line with the BOS's Standard Operating Procedure #05-001.

SALISBURY PLANNING BOARD
RULES OF PROCEDURE

The above Rules of Procedure is approved by the following Salisbury Planning Board Members.

Doug Greiner, Chairman _____

Raymond Deary, Vice Chairman/Secretary _____

Joseph Schmidl, Ex-Officio (Selectman) _____

Anne Ross-Raymond _____

Karen Sheldon _____