

**PLANNING BOARD SALEM, NEW HAMPSHIRE
RULES OF PROCEDURE**

Pursuant to RSA 676:1, the Salem, New Hampshire Planning Board adopts the following Rules of Procedure.

Article 1 - Title; Adoption; Amendment

- 1.1 These rules may be cited as the Salem Planning Board Rules of Procedure.
- 1.2 These rules shall be adopted following a public hearing by the Planning Board. The hearing shall be noticed by a legal notice published not less than seven (7) days prior to the hearing and said notice shall contain a summary of the provisions herein, together with the notation that the full text is available upon request.
- 1.3 The rules shall be effective upon adoption by a majority of the Board and when they have been signed by a majority of the Board and filed with the office of the Town Clerk.
- 1.4 These rules may be amended in the same manner as the initial adoption.

Article 2 - Membership; Terms of Office; Officers; Vacancies; Alternates (amended 10/22/96)

- 2.1 Pursuant to State Statute NH RSA 673:2, the Planning Board shall consist of seven (7) members; six (6) of whom shall be appointed by the Board of Selectmen and the seventh member shall be a member of the Board of Selectmen selected by the Selectmen.
- 2.2 Except for the Selectmen's representative, all members shall be appointed for three (3) year terms. The membership of the Board shall be appointed in such a manner so that 2 members shall be appointed each year.
- 2.3 Terms of Office commence on November 1st and end on October 31st, three (3) years subsequent, provided however, that term shall continue until successors have been appointed and qualified.
- 2.4 The Planning Board shall elect the following officers from its members, provided; however, that the Selectman's ex-officio member shall not hold any office; Chairman, Vice-Chairman, and Secretary.
- 2.5 Officers shall be elected for one (1) year terms at the first regular meeting following November 1st of each year provided that the Selectmen have completed their appointment of new members. If said appointments have not been made, the election of officers shall take place at the first regular meeting following the appointment of new members.
- 2.6 Vacancies in membership in the Planning Board shall be filled by appointment by the Selectmen for the unexpired balance of the term of office.
- 2.7 As authorized under RSA 673:6, and authorizing vote of the Town, the Planning Board shall have three (3) alternate members, one appointed each year for three (3) year terms.
- 2.8 Alternate members of the Board are encouraged to attend meetings of the Planning Board in order to be familiar with issues involved in pending Board business.

- 2.9 Alternate members of the Planning Board are expected to attend meetings upon request of the Chairman or his/her designee.
- 2.10 Because the presence of alternates is intended, under these rules, to be on an “as-needed” basis, it is incumbent on every regular member of the Board to review agendas in advance of meetings and to advise the Chairman or Planning Office when (i) they expect to be unable to attend, or (ii) when they expect to recuse themselves from an agenda item.
- 2.11 The Planning Office shall call and request the attendance of alternate members whenever it is advised that a regular member is expected to be (i) late, (ii) absent, or (iii) unable to participate in a given business item. See Rule 2.14 governing the selection of alternates to be present.
- 2.12 When a regular member of the Planning Board is required to recuse or disqualify himself/herself from a given application or proceeding, then the Chairman shall appoint one (1) of the alternates to replace him/her. Once designated for that business item, the appointed alternate shall participate in all hearings and proceedings on that given application, and shall have all the powers and duties of the replaced regular member as it relates to that business item. The designated alternate shall be responsible to verify when this matter is scheduled for further consideration by the Board and be present at that time.
- 2.13 When a regular member of the Planning Board is absent from a meeting, then the Chairman shall appoint one (1) of the alternates to replace him/her during some or all of the business items considered that meeting. (This language is intended to leave open the ability to appoint different alternates for different business items in the same meeting.) The designated alternate shall have all powers and duties of the replaced member for all business items considered. The same rule shall apply to members who are expected after the start of a meeting, except that the alternate shall yield back to the regular member upon his/her arrival.
- 2.14 It will be the duty of the Board Secretary to maintain a list of alternates and all business items in which they have participated on behalf of absent members. When a regular member (or a previously designated replacement alternate) of the Planning Board is absent from a meeting, the Chairman shall request the presence of and appoint an alternate after consideration of the following factors: (i) the extent to which any alternate has previously considered or participated in one or more of the items under consideration, (ii) the extent to which any alternate has previously been present (but not participating) during a presentation on one or more of the items under consideration, (iii) the necessity of any alternate to be present as a replacement for a recused member, for one or more agenda items, (iv) the rotation and balance of workload by and among alternate members.
- 2.15 When an alternate is not designated to participate in a given business or discussion item, the alternate shall not participate in the discussion item, or deliberation on such item, except to the extent that members of the public generally are allowed to so participate.
- 2.16 The ex-officio selectmen member of the Board may only be replaced by the alternate designated by the Board of Selectmen.

Article 3 - Duties of Officers; Minutes

- 3.1 The Chairman shall preside over meetings and shall be responsible for conduct and decorum of the meeting. The Chairman shall have the responsibility to ensure that all parties receive a full and fair hearing before the Board and enforcement of the rules herein and applicable State laws.

- 3.2 The Vice-Chairman shall preside over meetings and assume the duties of Chairman in the absence of the Chairman.
- 3.3 The Secretary shall be responsible for the maintenance of Board minutes and records. However, the Board may retain a recording secretary whose records shall be reviewed by the Secretary for accuracy.
- 3.4 Minutes of the Board meetings shall be kept in accordance with the provisions of RSA 91-A. Minutes shall be considered a summary of events and business transacted once adopted by the Board with any corrections noted.
- 3.5 All meetings of the Board which are public hearings shall be recorded by tape or other electronic device and the tapes shall be retained by the Town in an appropriate permanent repository.

Article 4 - Meeting, Special Meetings, Place; Hours

- 4.1 The Board regularly holds meetings on the second and fourth Tuesday of each month, except that the Board may vote to hold one meeting in a month or to set other dates by vote.
- 4.2 Special meetings of the Board shall be held at the call of the Chairman or by written request of a majority of the Board members.
- 4.3 Regular or special meetings of the Board may be recessed to a time and place certain as a continuation of said meeting without further notice.
- 4.4 All meetings of the Board shall be held at the Knightly Meeting Room of the Salem Municipal Office unless the Board shall vote to meet at some different place for a particular meeting.
- 4.5 Regular meetings of the Board shall commence at 7:00 PM unless the Board shall vote to fix some different meeting time for a particular meeting, provided however that all public hearings of items of business which receive public hearing shall commence no earlier than 7:00 PM. (Amended 1/26/99)
- 4.6 The Board shall not commence any items of new business which include public hearings later than 10:30 PM provided that the Board may continue to conclusion the public hearing of any item of business or item which commenced prior to that hour. (Amended 12/12/00)

Article 5 - Quorums; Voting; Conduct of Meetings

- 5.1 A quorum of four (4) members shall be required to conduct business.
- 5.2 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.
- 5.3 When the vote on a question is evenly divided, the question shall be deemed to have been defeated.
- 5.4 A motion to reconsider a previous vote by the Board shall be in order only if made by a member who voted with the prevailing side, or if the member did not vote on the original question.
- 5.5 Unless modified by vote, the Board regularly follows the following Order of Business:

- a) Workshop Session
- b) Call to Order
- c) Adoption of Minutes of Prior Meetings
- d) Consideration of Old Business
- e) Consideration of New Business
- f) Public Matters
- g) Correspondence
- h) Adjournment

If the Board has no Workshop topic scheduled, it may take up items (f) or (g) prior to commencement of public hearings.

- 5.6 The Chairman shall enforce such order and decorum as may be necessary for the sufficient conduct of the Board's business, guided by a desire to maximize public input on matters before the Board.
- 5.7 The Chairman shall establish such rules of parliamentary procedure as are necessary, subject to the provision that the Chairman may be overruled by a majority vote of the Board.
- 5.8 Under normal circumstances in which the Board is first considering an application for subdivision or site plan, the applicant shall be recognized for presentation, followed by staff comments; questions by Board members, questions/input by abutters, questions/input by other members of the public-at-large.
- 5.9 In presentation by abutters, the Board shall generally allow wide latitude in allowing persons to speak, reserving the right to limit presentations which are not relevant to the matters at hand or are repetitive of points previously made.

Article 6 - Sitewalks

- 6.1 A "sitewalk" is defined as a visit by the Board or a member of the Board 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.)
- 6.2 When the Board deems it necessary for the adequate consideration of an application, the Board shall request the applicant to allow a sitewalk by the Board.
- 6.3 When the Planning Board schedules a sitewalk for Board membership, it shall be posted as a meeting of the Board in accordance with RSA 91-A.
- 6.4 The Board shall ask each applicant where it deems a sitewalk is advisable as to whether members of the public-at-large may accompany Board members. While the Board shall have the authority to conduct sitewalks where general public permission is not granted, such refusal may constitute grounds for the Board to decline to conduct a sitewalk.
- 6.5 The practice of an applicant directly calling a member to invite that member to visit a property without prior Planning Department notice shall be discouraged as an inappropriate course of conduct.
- 6.6 When the Board meets to consider an application the Board and/or individual members of the Board shall disclose whether they have conducted a sitewalk on the location under consideration.

- 6.7 Minutes of sitewalks shall be kept only if there is a quorum of the Board conducting the sitewalk. Minutes shall be in accordance with Article 3.4.

Article 7 - Joint Meetings with Conservation Commission

- 7.1 Joint meetings of the Planning Board and the Conservation Commission shall be presided over by the Chairman of the Planning Board.
- 7.2 A quorum of the membership of each Board shall be required in order to conduct a joint hearing.
- 7.3 Separate minutes shall be kept of all joint meetings by the Secretary and/or Recording Secretary of the Planning Board. Minutes of a joint meeting shall not be considered the official minutes of a joint hearing until they have been adopted by vote of both the Planning Board and the Conservation Commission.
- 7.4 Presentation of applications shall follow the same presentation format as that specified for regular applications in Section 5.8.
- 7.5 At the conclusion of the public hearing, the Board and the Conservation Commission shall proceed to vote on an application. The Board shall act on the request first. Following a motion and vote by the Board, the Conservation Commission shall act on the application.

Article 8 - Public Hearings; Workshops

- 8.1 The Board shall follow the statutory provisions for holding all public hearings on zoning amendments or changes in site plan/subdivision regulations.
- 8.2 Public Hearings shall not commence prior to 7:00 PM nor shall they take up any new items after 11:00 PM provided however, the Board may continue to the conclusion of a public hearing on a question which commenced prior to 11:00 PM. (Amended 1/26/99)
- 8.3 In the case of zoning amendments or regulation changes proposed by the Board or Town staff, the Planning Staff shall present the question and the public will be invited to comment.
- 8.4 In the case of zoning amendments proposed by citizen petition, the petitioners shall be recognized to present their proposal, followed by questions from Board members and then public comment.
- 8.5 In voting on proposed regulation changes, zoning amendments, land sales, or road acceptances, the Board shall consider each separate item and vote on adoption or disapproval of each separate proposal at the conclusion of the presentation of that item.
- 8.6 In voting on citizen zoning amendment proposals, the Board shall vote to approve or to disapprove said proposal. If the Board shall be evenly divided or if a motion to approve fails to receive a majority vote, the proposal shall be noted as being "disapproved."
- 8.7 In voting on regulation changes or staff proposed zoning amendments, the proposal shall be adopted or submitted to the voters for adoption only if approved by a majority vote.

8.8 Workshop meetings of the Board shall be meetings of the Board to receive presentations on or to study one or more selected topics.

Article 9 - Standards of Conduct

9.1 The primary obligation of Planning Board members is to serve the public interest, and to conduct himself/herself so as to maintain public confidence in the Planning Board and the conduct of its business.

9.2 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.

- 9.3** 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.
- 9.4** In circumstances where the number of Board members who may not participate as a result of the provision of Article 9.3 results in less than a quorum being able to participate in a given question, the abstaining members may be counted as "present" for purposes of determining whether a quorum is present although they are not allowed to participate in any way other than abstaining. A Board member who is participating only for the purpose of being counted for the presence of a quorum shall be entitled to sit at the podium, provided that he/she not participate, comment, or make any indication of his/her position.
- 9.5** A Board member must not disclose or improperly use confidential information obtained in the course of his duties for financial gains or further a personal interest.
- 9.6** 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, s/he shall call that fact to the attention of the Chairman who shall in turn call it to the attention of the member in question. In 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.
- 9.7** All discussions between Planning Board members and applicants or their agents regarding matters to be decided by the Board shall take place at public hearings as part of the public record. (Added 8/12/97)

Article 10 - Agenda Management

- 10.1** Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the Board's agent, who shall sign and record the date of receipt. Completed applications shall be submitted to the Board, reviewed for completeness, and then accepted for consideration by majority vote, only at a public hearing for which notice has been given to abutters and the public as required in State Statute. The Board shall begin formal consideration of applications within thirty (30) days of acceptance, although such consideration may begin on the same night as the application is accepted. The Board shall reject all applications not substantially complete. (Added 8/12/97)
- 10.2** New applications shall be introduced as "new business" items on Planning Board agendas in order of their receipt by the Planning Director. (Amended 8/12/97)
- 10.3** Requests by an applicant to be placed on an agenda, other than a new application, must be received not less than seven days prior to the date of the meeting.
- 10.4** Upon the filing of an application, the applicant with more than 10 abutters shall file one (1) set of preprinted

address labels representing the names and addresses of all abutters, together with any other person the applicant desires to be notified of the meeting. Abutters shall be defined as set out in State statute.

10.5 If an application is to be considered at more than three (3) public hearings, additional mailing labels and notice fees shall be required of the applicant.

ARTICLE 11 - FEES & COSTS (Amended 1/8/91)

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

BASIC FEES - SITE PLANS:

\$25 per 1,000 s.f. of
building or fraction thereof - \$50 minimum fee
\$3 per abutter notification fee
\$20 per plan publication fee
Outside engineering review fee for major plans

Where outside engineering review reduces the actual cost of staff services below that determined by the charge (subdivisions: per lot, site plans: per unit area), then that fee may be reduced from the cost of staff services.

11.02 The following shall constitute the necessary filing fees for consideration of subdivision applications:

BASIC FEES - SUBDIVISIONS:

\$25 per lot - \$50 minimum fee
\$3 per abutter notification fee
Lot line adjustments for 2 lots or less - \$25
\$20 per plan publication fee

Where outside engineering review reduces the actual cost of staff services below that determined by the charge (subdivisions: per lot, site plans: per unit area), then that fee may be reduced from the cost of staff services.

11.03 The following shall constitute the necessary notice fees which shall accompany any application:

NOTICE & POST/PUBLISH FEES:

\$3 Per abutter notification fee
\$20 Post/publish fee

Notification fees are payable at time of initial application.
Additional fees are required if more than three (3) public hearings are necessary for consideration of an item.

Adopted by the Salem Planning Board on the twenty-eighth day of June 1988.
Amended by the Salem Planning Board on the eighth day of January 1991.
Amended by the Salem Planning Board on the twenty-second day of October 1996.
Amended by the Salem Planning Board on the twelfth day of August 1997.
Amended by the Salem Planning Board on the twenty-sixth day of January 1999.
Amended by the Salem Planning Board on the twelfth day of December 2000.

