

JACKSON PLANNING BOARD RULES OF PROCEDURE

ARTICLE I Name

The name of the Board shall be “Town of Jackson, New Hampshire Planning Board” as adopted at the Town Meeting on March 9, 1971; and hereinafter referred to by its short title of Planning Board.

ARTICLE II Purpose

The purposes of the Planning Board shall be to plan for the orderly development, preservation, and conservation of the Town of Jackson, New Hampshire and to propose and administer such regulations as fall within its jurisdiction.

ARTICLE III Authority

1. These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 676:1. These Rules of Procedure shall encompass and supercede the Bylaws adopted by the Jackson Planning Board on November 12, 2005.

ARTICLE IV Members and Alternates

1. The Jackson Planning Board shall consist of 7 Members. The Selectmen shall designate one Selectman as an ex-officio Member with power to vote.
2. Selection, qualification, term, removal of Members, and filling of vacancies shall conform to RSA 673. At the time of adoption of these Rules, Members are appointed by the Selectmen.
3. Alternate Members may serve on the Planning Board as authorized by RSA 673:6, and participate as non-voting Members, unless designated by the Chairperson to participate to fill in for an absent Member or vacancy for a meeting or any part thereof.
4. Up to 5 Alternate members shall be appointed by the Selectmen, and should attend all meetings to familiarize themselves with the workings of the Board, and to stand ready to serve when a Member is unable to fulfill his/her responsibilities.
5. At Planning Board meetings, Alternates who are not activated to fill the seat of an absent or recused Member or who have not been appointed by the chair to temporarily fill the unexpired term of a vacancy, may participate with the Board in a limited capacity, in that they shall not be allowed to make or second motions, and in that, during a public hearing, they shall be allowed to participate in the matter as a member of the general public. At all times, the Chairperson shall inform the public of the status of any Alternate present and identify the Members who shall be voting on the application.
6. Members and Alternates must reside in the Town and are expected to attend each meeting of the Board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the Chairperson as soon as possible. Members, including the Chairperson, all officers, and the appointed Selectman shall participate in the decision-making process and vote to approve or disapprove all motions under consideration.
7. Each newly appointed, or re-appointed Member and Alternate shall be sworn in and take an oath of office as required by RSA 42:1.
8. The Secretary shall obtain information of appointments and reappointments, and expiration of terms of all Members and Alternates of the Board. If any Member is absent for three (3) consecutive regular meetings, or five (5) regular meetings in the course of a year, a letter will be sent by the Chairperson to the Selectmen for determination by them if any action under the provisions of RSA 673:13 should be taken.
9. All Members and Alternates shall review the Board’s Conflict of Interest policy, and shall adhere to its provisions.

ARTICLE V Officers

1. The officers of the Board shall be as follows:
 - a. Chairperson shall preside over all meetings and hearings; prepare, with the assistance of the Secretary, an annual report; and perform other duties customary to the office.
 - b. Vice-Chairperson shall preside in the absence of the Chairperson and shall have the full powers of the Chairperson on matters that come before the Board in the absence of the Chairperson.
 - c. Secretary shall keep a full and accurate record of the proceedings of each meeting; issue notices of all meetings; record the names of the Members and Alternates present; notify applicants and abutters of hearings; and prepare such correspondence and fulfill such duties as the Chairperson may specify. In the absence of the Secretary, the Chairperson shall appoint a secretary pro tem to keep records of a meeting.
2. The officers of the Board shall be elected annually during the month of April, or as soon as possible after the date of Town Meeting, by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.

ARTICLE VI Meetings

1. Regular meetings shall be held at least monthly in accordance with RSA 673.10 at the Jackson Town Offices Selectmen's Meeting Room at 7 PM on the Second Thursday of each month, unless other notice is provided.
2. Special meetings may be called by the Chairperson or, in his/her absence, by the Vice-Chairperson, 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, in accordance with RSA 91A:2. No business shall be acted upon at a special meeting unless a quorum is present.
3. Non-public 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. If any regular Board Member is absent from a meeting or hearing, or disqualifies him/herself from sitting on a particular application, the Chairperson 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 regards 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 does not vote on that matter.
5. 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 Chairperson as soon as possible so that an Alternate may be requested to fill the place. The disqualification shall be announced by either the Chairperson or the Member before the discussion or the public hearing on the application begins. A disqualified Member shall not participate in any deliberations at the Public Hearing on the matter, but may participate as a member of the general public. If uncertainty arises as to whether a Member should disqualify him/herself, on the request of that Member or the request of another Member, 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.
6. Order of Business shall be as follows:
 - a. Call to order by the Chairperson
 - b. Roll call by the Secretary

- c. Minutes of the previous meeting
 - d. Public comment
 - e. Hearings on subdivisions or boundary line adjustments
 - f. Unfinished business
 - g. Reports of committees
 - h. Readings of communications
7. A motion, duly seconded, shall be carried if approved by an affirmative vote of a majority of Members present. Voting shall be recorded in the minutes; when not unanimous, minutes shall reflect who voted for, against, or abstained.

ARTICLE VII Preliminary Review

1. Conceptual Consultation shall provide an opportunity for an informal review of a property for which an application is being considered, for the purpose of considering how existing zoning ordinance requirements may apply to the site. No public notice is required for such a review.
2. Application for a Design Review Phase (676:4, II (b)) meeting with the Board shall be made on forms provided by the Board and shall be presented to the Secretary of the Board or the Board's agent who shall sign and record the date of receipt.
3. Notice shall be given as required in RSA 676:4 I (d) 10 days before such application is submitted to the Board.
4. The plan shall include at a minimum the following items:
 - a. A site location map placing the parcel in the larger context of the community;
 - b. A site survey showing pertinent features of the site;
 - c. An indication of any future subdivisions contemplated in or adjacent to the proposal;
 - d. A topographic map of the area;
 - e. Any soils information, such as permeability or boring data;
 - f. A sketch showing the proposed layout of lots, streets, and recreation areas; watercourses; natural features and easements.
5. The Board shall determine the conclusion of the Design Review Phase process and inform the applicant.

ARTICLE VIII Applications for subdivision and boundary line, or lot line adjustment

1. Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the Secretary of the Board or the Board's agent who shall sign and record the date of receipt.
2. Notice shall be given as required in RSA 676:4 I (d) 10 days before a completed application is submitted to the Board.
3. Completed applications shall be accepted by majority vote of the Board and shall be scheduled for consideration within 30 days of acceptance.
4. The Board shall reject all applications not properly completed.

ARTICLE IX Forms

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.

ARTICLE X Notice

1. Public notice of the submission of and public hearings for each submitted application shall be given in the Conway Daily Sun and by posting at two locations, one at the bulletin board near the Jackson Post Office, between the bakery and the floral shop, and one at the bulletin board at the Town Offices building.

2. 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 prior to the date fixed for submission of the application to the Board. RSA 676:4 permits the Board to combine the notice of submission with the notice of the public hearing by stating that if the application is accepted as complete it will be on the agenda of each planning board meeting until a decision is made. The date of the public hearing must be included on the notice.

ARTICLE XI Public Hearings

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

1. The Chairperson shall call the hearing in session, identify the applicant or agent, and ask for the Secretary's report on the proposal. The Secretary shall read the application and report on the manner in which public and personal notice was given.
2. Members of the Board may ask questions at any point during the presentation.
3. Any party to the matter who desires to ask a question of another party must go through the Chairperson.
4. 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 hearing.
5. Each person who speaks shall be required to state his/her name and address and indicate whether s/he is a party to the matter or an agent or counsel to a party in the matter.
6. The applicant or agent shall be called to present the proposal, and those appearing in favor of the proposal shall be allowed to speak.
7. Those in opposition to the proposal shall be allowed to speak.
8. Those neither in favor nor in opposition may speak.
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.
10. The Chairperson 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 adjournment.

ARTICLE XII Decisions

1. The Board shall render a written decision within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in RSA 676:4.
2. The Board shall act to approve, conditionally approve, or disapprove.
3. Notice of decision will be made available for public inspection at the bulletin board at the Jackson Town Offices within 5 business days after the decision is made, as required in RSA 676:3. If the application is disapproved, the Board shall provide the applicant with written reason for this disapproval.

ARTICLE XIII Reconsideration

The Board may reconsider any decision to approve or disapprove an application for good cause, provided it is within the statutory appeal period. This may be done through a motion that specifies the reasons for reconsideration. Upon successful passage of the motion, the Board shall schedule a public hearing, with notice as provided in RSA 676:4 I (d), where they shall consider whether or not to revise or alter their original decision. Should the Board reach a new decision, a new appeal period shall be considered to have begun pursuant to RSA 677:15, et seq.

ARTICLE XIV Records

1. The records of Board meetings and actions shall be kept by the Secretary and shall be made available for public inspection in the books of minutes, filed at the bookcase in the Selectmen’s Meeting Room at the Jackson Town Offices, as required by RSA 91-A:4.
2. 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 5 business days after the meeting as required in RSA 91-A:2, II.

ARTICLE XV Joint Meetings and Hearings

1. The Planning Board may hold joint meetings and hearings with other land use boards including the Zoning Board of Adjustment, the Building Code Board of Appeals, and the Building Inspector. Each board shall have discretion whether or not to hold such joint meeting or hearing, according to RSA 676:2.
2. Joint business meetings with another local land use board may be held at any time when called jointly by the Chairpersons of the two boards.
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.
4. The Planning Board Chairperson shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
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 Chairperson;
 - b. Introduction of members of both boards by Chairperson;
 - c. Explanation of reason for joint meeting/hearing by Chairperson;
 - 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/her proposal;
 - e. Adjournment
6. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.
7. Adjournment.

ARTICLE XVI Communications

1. All communications and correspondence shall be directed to the Chair. Public communication of all discussions and decisions shall be provided as necessary by the Chair.
2. Any discussions outside Board meetings shall not be on substantive matters, but may be on procedural matters.

ARTICLE XVII Amendment

The Board’s rules of procedure may be amended by a majority vote of its Members. The Board shall hold a public hearing prior to adoption of new rules or amendment of existing rules. Notice of the time and place of the hearing shall be as provided in RSA 675:7. The amended procedures shall be filed with the municipal clerk.

Adoption of these Rules of Procedure:

April 12, 2018
Date

Bill Terry, Planning Board Chair