

Nelson Planning Board

Town of Nelson, New Hampshire

POLICIES AND PROCEDURES HANDBOOK

Adapted from The NH State Planning Board Policies - A Handbook for Local Officials, published by the NH Office for Strategic Initiatives

Adopted by the Nelson Planning Board – November 2022

AUTHORITY

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

MEMBERS

1: The Planning Board (hereafter, “the Board”) shall consist of five (5) members, including one designated by the Select Board as their representative, who shall have power to vote.

2: Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673.

3: Alternate members shall serve on the Planning Board as authorized by RSA 673:6. Alternate members are appointed by the board, (through a process of nomination and a majority vote) for a term of three years.

4: 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: The Town Clerk, or other person designated by the Town, shall serve as the Clerk (Clerk) for the Board. In the event that the Clerk is unable to attend a meeting, the Board will appoint someone to record minutes for that meeting.

6: The Clerk shall keep on file, at the Town Office, a record of the appointment/election and expiration dates of each member of the Board.

OFFICERS

The officers of the Board shall be as follows:

- Chairperson: The Chairperson shall preside over all meetings and hearings; shall prepare, with the assistance of the Clerk, an annual report; and shall perform other duties customary to the office.
- Vice-Chairperson: The Vice-Chairperson shall preside in the absence of the Chairperson and shall have full powers of the Chairperson on matters that come before the Board in the absence of the Chairperson.
- The officers of the Board shall be elected annually at the first meeting of the Board following Town Meeting, by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.

MEETINGS

1: Regular meetings shall be held monthly at a Town facility, including but not limited to the Town Office, the Town Hall, the Meeting Room in the lower level of the library. Meetings are generally held at 7:00 PM on the second Thursday of each month. This may be changed for a specific meeting if necessary, and also may be permanently changed if the Board determines that there is a more appropriate regular time and day of the month. Public hearings shall be scheduled in the Town Hall or some other designated location to accommodate attendees.

2: Special meetings may be called by the Chairperson or in their 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.

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.

5: Disqualification: If any member finds it necessary to be disqualified from sitting on a particular case, as provided in RSA 673:14, they 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. The member disqualified shall leave the Board table during all deliberations and the public hearing on the matter.

If any regular Board member is absent from a meeting or hearing, or disqualifies themselves from sitting on a particular application, the Chairperson shall designate one of the alternates 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 the matter.

If uncertainty arises as to whether a Board member should disqualify themselves, 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.

5: If the use of one or more alternate members is indicated, it is the responsibility of the Chair to determine which alternate member will serve, unless it is the ex officio member (Select Board's representative), in which case the Select Board will provide an alternate.

6: The recommended order of business shall be as follows:

- Call to order by the Chairperson
- Roll call by Clerk
- Hearings or preliminary hearings on subdivisions/ site plans
- Minutes of previous meeting
- Reading of communications directed to the Board
- Report of officers and committees
- Unfinished business
- Other business - public comment
- This order may be altered at the discretion of the Chair.

7: Decisions: A motion, duly seconded, shall be carried by an affirmative vote of the majority of the members present. Voting shall be by roll call which shall be recorded in the minutes.

Draft minutes of meetings will be provided to Planning Board members and made publicly available within five business days. They will be indicated as “draft” until the following meeting, at which time any revisions will be made based on board input, and subsequent vote to approve.

APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW

The Planning Board encourages applicants to schedule a preliminary review of all but the simplest of subdivision applications. This allows the Board and the applicant to identify potential issues, and to have those issues addressed, in advance of a hearing. The applicant may request the Planning Board Clerk or Chair to offer an opinion about whether a preliminary review seems advisable.

Completed applications are submitted to the Planning Board Clerk (Clerk), along with a checklist initialed by the applicant for each required item.

The Clerk will review the application at the time of receipt and advise the applicant if there are any obvious problems which would prevent the application from being accepted (however, this would not guarantee acceptance). The Clerk will date and sign the date of receipt of the materials.

If there are no such problems, the Clerk will consult with the Planning Board Chair to confirm that the next scheduled Planning Board meeting which would allow for 10 days of being able to publicly notice a hearing, can include a hearing for the application. The Clerk will also confirm with the applicant that they will be available on the hearing date. The Clerk may then proceed to post the notice of the hearing, per RSA 676:4,1(d).

Minor lot lines which do not create additional buildable lots do not require a public hearing. However the Planning Board or the applicant may request the formality of a hearing if there are factors that would make this advisable.

If it is in the interests of the applicant and the Planning Board to schedule a hearing at a different time than a regularly scheduled meeting, this may be done. *This might be a situation, for example, where a hearing was anticipated to be sufficiently complicated that it would consume a significant amount of meeting time.*

At the hearing, the Board must review the application and vote to accept it.

If the Board finds reason to not accept the application, the hearing will be recessed until the next regularly-scheduled meeting of the Board, or another mutually agreed-upon date.

When the Board formally accepts the application, the hearing proceeds.

FORMS

All forms prescribed herein and revisions thereof, as well as any new forms developed to be utilized for applications, shall be adopted by resolution of the Board and shall become part of these rules of procedure.

Applicant's Forms

- 1) Agreement, Release and Covenant Running with Land
- 2) Annexation (Voluntary Merger) Application
- 3) Boundary Line Adjustment Application
- 4) Subdivision Application
- 5) Quorum Agreement

Board's Forms

- 1) Notice of Decision for Boundary Line Adjustment
- 2) Notice of Decision for Subdivision
- 3) Notice of Decision (Generic, for other cases)
- 4) Outline for Conducting Hearing
- 5) Motion Sheet (for complex motions)

Clerk's Forms

- 1) Agenda
- 2) Public Notice for Town Bulletin Boards
- 3) Public Notice for Newspaper
- 4) Notice to Abutters, including Lake Associations where relevant
- 5) Reminder to Applicant of Hearing Date and Time
- 6) Reminder of Continuation or Postponement of Hearing
- 7) Recording of Subdivision or Boundary Line Adjustment
- 8) Recording of Annexation and Receipt of Payment
- 9) Itemized Charges for Hearing
- 10) Schedule of Fees

NOTICE

1. Public notice of the submission of and public hearings on each application shall be given in legal section of The Keene Sentinel and by posting on at least two of the following locations:

Outside the Nelson Town Offices

At the mailboxes in Nelson Village

At the community bulletin board in Munsonville

Or any other location which is deemed appropriate

not less than ten (10) days prior to the date fixed for the submission and consideration of the application. If the subject property lies within a Lake District, notice must also be given to the Lake Association. *The Town Clerk's office can provide contact information for Lake Associations if applicable.*

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.

3. If an application is deemed by Planning Board deems to have potential regional impact, notice shall be provided to the Select and Planning Boards of any towns where impact could occur.

PUBLIC HEARINGS

The rules of procedure adopted by the planning board under RSA 676:1 provide the basic ground rules for holding a public hearing. The recommended procedure is outlined below:

1. The Chair opens the public hearing and explains what procedures will be followed.
2. The Chair explains that the reason for holding the hearing is to gain input from any persons potentially affected by the proposal.
3. The applicant presents the proposal.
4. The board members may ask questions of the applicant.
5. Other questions and comments are taken in the following order:
 - a. Abutters in favor of the proposal.
 - b. Abutters opposed to the proposal.
 - c. Anyone else who wishes to speak, if time permits.
 - d. Any written comments are read into the record. Anyone speaking from the floor must identify themselves for the record. All questions must be directed through the Chair to avoid cross-questioning between abutters and the applicant.

The Chair summarizes the comments and provides an opportunity for the applicant to clarify any issues. The Chair announces the procedures the board will follow in making a decision.

7. The Chair closes the public hearing and the board begins deliberating on the application at that time and either makes a decision or continues the application to a future public hearing.

The minutes of the public hearing will help the board in its deliberations and will also form an important part of the record if the decision is challenged. After the public hearing, a board member may offer one of the following motions:

- Motion to approve the application;
- Motion to approve the application, with conditions;
- Motion to disapprove the application;
- Motion to defer a decision on, or continue the application until a later date; or
- Other motion, as appropriate.

DECISIONS

1. The Board shall render a written decision within 95 days of the date of acceptance of a completed application, subject to extension by mutual agreement of the Board and the Applicant.
2. The Board shall act to approve, conditionally approve, or disapprove.
3. Notice of decision will be made available for public inspection at the 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.
4. The Planning Board will issue a statement, to be included in the minutes of the hearing, which clearly indicates the reason(s) for approval, conditional approval, or disapproval. This statement will contain references to sections of the Zoning Regulations, Master Plan, or any other documents which clarify and support the decision.

RECONSIDERATION

The Planning 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 and that specifies the reasons for reconsideration. Upon successful passage of the motion, the Board shall schedule a public hearing, with notice as provided in 676:4, I(d) where they shall consider whether or not to revise 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.

RECORDS

1. The records of the Board shall be kept by the Clerk and shall be made available for public inspection at the office of the Town Clerk, as required by RSA 91-A:4
2. Minutes of the meetings including the names of the 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.

JOINT MEETINGS AND HEARINGS

1. The Planning Board may hold joint meetings and hearings with other boards pertaining to land use including the Zoning Board of Adjustment, the site inspector, and the Conservation Commission. Each Board shall have discretion whether or not to hold such joint meeting or hearing (RSA 676:2). 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 Chair shall Chair all joint meetings and public hearings when the subject matter involves the Planning Board.
5. The rules of notice and 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 the Chairperson
 - b. Introduction of members of both boards by the Chairperson
 - c. Explanation of reason for joint meeting/hearing by Chairperson
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 their proposal.
 - e. Adjournment
6. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

AMENDMENT

1. 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 for the time and place of the hearing shall be as provided in RSA 675:7. The amended procedures shall be filed with the Town Clerk.