

# **Rules of Procedure**

## ***Hooksett Planning Board***

### **Authority**

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

### **Members**

1. The Hooksett Planning Board shall consist of seven (7) members. Six (6) of these members shall be appointed by the Town Council for terms of three (3) years, such terms to be staggered. The Town Council shall designate one Councilor as an ex-officio member. The Town Council representative shall have all the rights of membership except the right to hold office on the Planning Board, for a term of one (1) year.
2. Selection, qualification, term, removal of members and filling of vacancies shall conform to RSA 673:6.
3. Three (3) alternate members may serve on the Planning Board as authorized by RSA 673:6.
4. Each newly appointed member shall be sworn in and take an oath of office as required by RSA 42:1. This must occur prior to sitting on the Board and voting on matters that come before the Board.
5. The Community Development Department shall forward to the Town Clerk for recording the appointment and expiration dates of the terms of each member of the Board.

### **Officers**

1. The officers of the Board shall be as follows:
  - a. Chair: The Chair shall call and preside over all meetings and hearings; shall prepare, with the assistance of the Town Planner, an annual report; and shall perform 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.

2. The officers of the Board shall be elected annually during the month of July by a majority of the Board.

### **Meetings**

1. Regular meetings will be held on the first and third Mondays of the month at the Hooksett Municipal Building, 35 Main Street at 6:00 p.m., unless changed by a vote of the Board. The Planning Board fulfills an important need in the community and therefore, all members commit to come prepared to the meetings.
2. Special meetings may be called by the Chair or, in his/her absence, by the Vice-Chair 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. Non-public sessions shall be held only in accordance with RSA 91-A:3.
4. Quorum: A majority of the membership of the Board would constitute a quorum, including alternates sitting in place of regular members. Alternates cannot sit in place of the ex-officio member of the Board.
5. Alternates: If any regular Board member is absent from a meeting or must disqualify 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 alternates shall have the same powers and duties of a regular member in regard to any matter under consideration on which the regular member is unable to sit.

Alternate members may be seated as non-voting members at all meetings and are encouraged to sit at the table with the Planning Board during all regular meetings of the Planning Board, and may participate in questioning applicants and discussion of plans along with the regular Board members. An alternate member shall not vote on any matter before the Board unless designated by the Chairman to replace an absent regular member. When replacing a regular member, such alternate is required to continue with the agenda item until its completion at that meeting. Regular members shall resume their seats as voting members on items that have been tabled from a meeting at which they have been absent.

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. Prior to the discussion or the public hearing on the application, the disqualification shall be announced by either the Chair or the member. The member disqualified shall leave the Board table during all deliberations and the public hearing on the matter.

If uncertainty arises as to whether a Board member should disqualify her/himself, 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.

7. The Planning Board may request the Town Council declare a vacancy if a member has three consecutive absences from regularly scheduled meetings in sequence, or has missed  $\frac{1}{4}$  of all meetings within one (1) calendar year. The Planning Board may also request a member be removed if the member is not adhering to the Board's Code of Conduct.
  
8. Order of Business shall be as follows:
  - I. Call to order by Chair
  - II. Introduction of Members of the Board
  - III. Pledge of Allegiance
  - IV. Determination of voting members
  - V. Approval of minutes of previous meeting
  - VI. Hearings on subdivision/site plans/lot line adjustments
    - a. Accept jurisdiction of application.
    - b. Determination of Regional Impact.
    - c. Open the public hearing.
    - d. Applicant/representative presents the application.
    - e. Board members gather information from the applicant/representative.
    - f. Open the floor to public comment.
    - g. Abutters in favor shall be allowed to speak.
    - h. Abutters opposed shall be allowed to speak.
    - i. Other interested parties shall be allowed to speak.
    - j. Close the floor to public comment, retaining the right to reopen the floor to public comment until the public hearing is closed.
    - k. Applicant/representative addresses comments/concerns raised, or provides additional information.
    - l. Members and alternates of the Board may gather more information from the applicant/representative and ask questions.
    - m. Board determines if it has enough information to make an informed decision with regard to the application. The Board may continue the public hearing to a date certain to allow submission of information the Board deems pertinent to its process.
    - n. Public hearing is closed.
    - o. Board deliberates on the matter and then renders a decision.
  - VII. Unfinished Business/Discussion Items
  - VIII. Other Business
  - IX. Adjournment

If a potential applicant wishes to appear for informational purposes only (conceptual discussion), they should contact the Community Development Department at least five (5) business days prior to the meeting.

9. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present. Voting shall be recorded in the minutes.
10. The Board reserves the right to close the meeting at 9:00 p.m. and continue any unheard items to the next Board meeting.

### **Applications for Subdivision and Site Plan Review**

1. Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the Community Development Department or the Board's agent no less than twenty-one (21) days prior to the meeting at which the application is scheduled to be accepted/discussed. No application will be received by the Community Development Department, except in proper form, as prescribed in the Town of Hooksett Development Regulations.
2. Notice shall be given as required in RSA 676:4 I (d) ten (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 thirty (30) days of acceptance, unless the Board determines there is enough information present to begin review of the application on the same night as acceptance.
4. The Board shall reject all applications not properly completed, and inform the applicant as to what is missing from the application.
5. Any revisions to an active application must be received a minimum of seven (7) days prior to the meeting at which the application is being discussed, or the application will be continued to the next scheduled meeting.
6. All applications and supporting documents shall be on file for review at the Community Development Office during regular business hours.

### **Notice**

1. Public notice of the submission of and public hearings for applications shall be posted at the Hooksett Municipal Building, Hooksett Public Library, and the Hooksett website not less than ten (10) days prior to the date fixed for submission and consideration of the application. Posting requirements cannot count the day of the posting and the day of the meeting in the 10 days prior to the meeting.

2. Personal notice shall be made by certified mail to the owner, applicant, engineer, architect, soil scientist, land surveyor, holder of any conservation easement and all abutters not less than ten (10) days prior to the date of submission of the application to the Board in accordance with RSA 676:4.

### **Public Hearings**

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

1. The Chair shall be the moderator and call the hearing in session.
2. The Chairman or Planning Board staff shall identify the applicant and report to the Board on the proposal that will include a brief summary of the application and the abutter's list.
3. The Chairman shall maintain decorum of the meeting at all times.
4. The applicant presents the proposal.
5. Members of the Board may ask questions at any point during the presentation.
6. Each person who appears shall be required to state his/her name and address and indicate whether he/she is party to the application, an agent, or counsel for the applicant, and state their interest in the application.
7. Questions and comments shall be brief and non-repetitive.
8. The Chairman shall only allow comments or questions in regard to the application. The Chairman may limit the length of comments at his or her discretion. The Chairman may ask in advance for a show of hands of those who intend to speak during a given hearing, in order to gauge whether instituting a time limit, such as for 3 minutes for each speaker, would be advisable.
9. Any party to the matter who desires to ask a question of another party must go through the Chair.
10. Those in favor of the application with a direct interest shall be allowed to speak.
11. Those in opposition of the application with a direct interest shall be allowed to speak.
12. The Board may permit those who do not have a direct interest in the application to speak at the meeting.
13. All written correspondence submitted by an abutter or member of the public for consideration of the application shall be acknowledged and their information may

- be read into the record, at the discretion of the Chair. Individuals are encouraged to submit any written materials for consideration at least seven (7) days prior to the next scheduled Board meeting.
14. Other Boards, Commissions, or Department comments shall be read and heard.
  15. Rebuttals will be allowed.
  16. Public comment can be closed with the Board retaining the right to reopen the floor to public comment until such time as the public hearing is officially closed.
  17. The Chair may summarize the facts in the application and claims made from each side. Opportunity shall be given for corrections from the Board and the floor.
  18. The Board shall decide whether to close or continue the hearing. If additional material is needed to render a decision, or if additional time is needed to review information that has been presented, then continuation will be necessary. Additional notice is not required if the date, time, and location is announced at this time. The Board reserves the right to require re-notification of abutters, which will be at the expense of the applicant.
  19. Once a public hearing has been closed, no additional materials or letters provided by abutters may be accepted by the Board.
  20. The decision to re-open a public hearing shall be by majority vote of the Board.

### **Decisions**

1. The Board shall render a decision within sixty-five (65) days of the date of submission of a completed application to the Board, subject to extension or waiver, as provided for in RSA 676:4, I (c) (1) and (f).
2. A written Notice of decision will be issued containing specific findings of fact that support the decision. If the application is not approved, the Board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the Board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

### **Records**

1. The records of the Board shall be kept by the Community Development Department and be made available for public inspection as required in RSA 676:3, II.
2. Minutes of the meetings shall be open to public inspection, 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 and commissions. Each board shall have discretion whether or not to hold such joint meeting or hearing (RSA 676:2).
2. Joint business meetings with another local land use board may be held at any time when called jointly by the Chair of the two boards.
3. A joint public hearing must be a formal public hearing and 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 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 Chair
  - b. Introduction of members of both boards by Chairman
  - c. Explanation of reason for joint meeting/hearing by Chairman
  - d. In the case of the 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.
  - e. Adjournment
6. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

### **Site Visits**

1. 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 and a representative of the applicant shall be in attendance at the site walk.
2. To the extent that a quorum of the Board is intended to be present at a site visit, the site visit shall be posted and conducted as a regular meeting. Minutes shall be taken if a quorum of the Board is present.
3. If the Board's designee or an individual Board member is the sole site visitor, this person shall report findings to the Board at the next meeting.

4. The practice of an applicant directly contacting a member to invite that member to visit a property without prior approval from the Board is an inappropriate course of conduct.
5. The Board shall refrain from making decisions on an application while on a site visit. Any comments, motions or direction to an applicant should be made at a subsequent public hearing.

### **Regional Impact**

The Board shall consider whether or not an application has potential for regional impact. This determination can be made at a regularly scheduled meeting as an agenda item as part of the review process, or the Board could hold a special meeting solely to determine whether or not the application has potential for regional impact. If the Board determines there is potential regional impact:

1. Within five (5) days of the meeting at which the determination was made, the town must send copies of the minutes of that meeting, by certified mail, to the Regional Planning Commission (RPC) and to the affected neighboring municipalities.
2. In addition, the town must submit a set of initial development plans to the RPC. The applicant bears the cost of providing and sending such plans.
3. At least fourteen (14) days before the public hearing, the Board must notify, by certified mail, all affected municipalities and the RPC of the date, time and place of the hearing and of their right to testify concerning the development.

### **Code of Conduct**

1. Board members shall adhere to the Town of Hooksett Code of Conduct.
2. When acting upon subdivision, site plan, or waiver requests, the Planning Board is acting in a quasi-judicial capacity. As such, members are expected to base their decisions upon the record of public testimony, documents submitted in connection with the application, reports of engineers and other experts, and other proceedings of duly noticed public hearings. Members may also use their personal knowledge of the community and of the parcels of land under consideration, as input to the public deliberations and decision-making process. All Planning Board decisions on applications must be based on the level of compliance with the Town of Hooksett Development Regulations, the Town of Hooksett Zoning Ordinance, and New Hampshire State Law as reasonably interpreted and applied by the Planning Board.
3. Members should not engage in conversations about the merits of applications with interested parties or the general public except at Planning Board meetings. When such conversations or other exchanges of information occur, the members have an obligation to disclose the content of the communication at the next Planning Board



meeting, and to provide copies of any documents or correspondence received by the member to the Town Planner or Planning Board Chairman.

4. Members are permitted and encouraged to request additional information they feel is important to reach an informed decision on any application, by making a request for such information to the applicant at meetings of the Planning Board, to the Planning Board Chairman or to the Town Planner. Requests for information that would incur additional cost to the applicant or to the town shall be subject to approval by the Planning Board Chairman, the Town Planner or Town Administrator per the Town of Hooksett Administrative Code. Any such information shall be routed through the Community Development office and provided to all members.
5. All proceedings of the Planning Board, and any of its committees, are subject to the provisions of NH RSA 91A, the "Right to Know Law". As such, any discussion of official business involving a quorum of the Planning Board, whether or not at a noticed and scheduled meeting, is a meeting under, and subject to the requirements of, the Right to Know Law. Members should avoid participating in any meeting as defined in RSA 91-A:2 that is not duly noticed to all the members of the Board.
6. The members of the Planning Board are subject to the provisions of NH RSA 673:14 I, with respect to the potential for a conflict of interest. If a member has a direct or personal financial interest in the outcome of the application that is different from that of the general public, or if a member would be disqualified to sit on a jury hearing the subject matter of the application, the member has a conflict of interest, or if a member has expressed an opinion directly relating to the merits of an application, that member may be subject to recusal from participation in the matter in accordance with the procedure set forth in RSA 673:14, II.
7. No member or officer of the Planning Board shall represent the official position of the board in any matter, unless authorized by a resolution of the Planning Board, approved by majority vote of the board at a duly noticed public meeting, authorizing the member or officer to make such representations or take such actions on behalf of the board. Exceptions to this provision include any responsibilities specifically assigned under the Town Charter, Town Ordinance or State Law.
8. In order to faithfully fulfill their obligations under this section and under NH State Law (RSA 673:3-a, Training), all members of the Planning Board shall take advantage of the various land use regulation training seminars sponsored each year by the State and other planning agencies. Each member shall complete at least one training session related to land use planning per year. A copy of the completed certificate, and/or registration, and/or notification of participation, shall be provided to the Town Planner.
9. Board members and alternates are prohibited from electioneering while sitting and performing official duties on a Board. This includes utilizing municipal channels of communication, acting in a way specifically designed to influence the vote or any

question or office, wearing clothing or paraphernalia that a reasonable person would believe explicitly advocates for or against any candidate, political party or measure; distributing or posting any material or form of communication that a reasonable person would believe explicitly advocates for or against any candidate, political party or measure.

### **Suspension of Rules**

Any member of the Board may move to suspend the rules, including procedural provisions of this document or of Robert's Rules as interpreted by the Chairman, as may be necessary or desirable for the purpose of reaching a decision on any matter pending before the Board, subject to the constraints of Town Ordinances and State Law. An affirmative vote of a simple majority (4) of the members present and voting shall be required to suspend the rules.

### **Amendment**

These rules of procedure may be amended by a majority vote of the members of the Board provided that such amendment is read at two successive meetings immediately preceding the meeting at which the vote is to be taken. The amended procedures shall be filed with the Town Clerk.

Adopted on: November 20, 2023

Revised: November 1999  
December 20, 2004  
October 19, 2009  
December 16, 2013  
November 20, 2023

### Table of Amendments

| <b>Amendment</b>  | <b>Approved</b>   |
|---|-------------------|
| Unknown at this time  | November, 1999    |
| Unknown at this time  | December 20, 2004 |
| Multiple Sections to change “Land Use Clerk” to “Community Development Department”                              | October 19, 2009  |
| Meetings, Section 1, to update the address of the municipal building  | October 19, 2009  |
| Meetings, Section 5, Disqualification   | October 19, 2009  |
| Meetings, Section 5, to add when a vacancy is declared by Town Council  | October 19, 2009  |
| Meetings, Section 6, to amend the order of business   | October 19, 2009  |
| Meetings, Section 6, to clarify business rather than consecutive days to be placed on an agenda                 | October 19, 2009  |
| Applications for Subdivision and Site Plan Review, Section 1, to clarify when an application shall be submitted | October 19, 2009  |
| Public Hearings, Section 5, to amend who is allowed to testify at a public hearing                              | October 19, 2009  |
| Public Hearings, Section 7, to clarify who is allowed to submit information and when                            | October 19, 2009  |
| Joint Meetings, Section 1, to add authority to hold a joint meeting.  | October 19, 2009  |
| Joint Meetings, Section 2, to add “local land use Board” and “Chairman of two boards”                           | October 19, 2009  |
| Joint Meetings, Section 4, to clarify when the Planning Board Chairman sits as Chair                            | October 19, 2009  |
| Joint Meetings, Section 5, to amend the order of business and add which rules shall be followed.                | October 19, 2009  |
| Joint Meetings Section 6, to add section 6.   | October 19, 2009  |
| Members, Section 4, relative to being sworn into office.  | December 16, 2013 |
| Meetings, Section 4, relative to quorums and when members can sit.  | December 16, 2013 |
| Notice, Section 1, relative to posting locations  | December 16, 2013 |
| Notice, Section 2, relative to personal notice  | December 16, 2013 |

| <b>Amendment</b>  | <b>Approved</b>   |
|---|-------------------|
| Meetings, Section 1, to add requirement to be prepared for meetings.  | November 20, 2023 |
| Meetings, to add Section 5, Alternate and renumber subsequent sections  | November 20, 2023 |
| Meetings, Section 7, to amend when and how a member may be removed  | November 20, 2023 |
| Meetings, Section 8, to amend the Order of Business   | November 20, 2023 |
| Applications, various sections to clarify how an application is noticed, or revised   | November 20, 2023 |
| Notice, Section 1, to clarify posting requirements  | November 20, 2023 |
| Public Hearings, various sections to clarify how the Board reviews an application, accepts public comment, and closes a public hearing. | November 20, 2023 |
| Decisions, to amend the RSA cite and what is required for the Notice of Decision  | November 20, 2023 |
| Site Visits, to add this section to the Rules   | November 20, 2023 |
| Regional Impact, to add this section to the Rules   | November 20, 2023 |
| Code of Conduct, to add this section to the Rules   | November 20, 2023 |
| Suspension of Rules, to add this section to the Rules   | November 20, 2023 |