

Exeter Planning Board Rules of Procedure

Adopted May 10, 2018

1. **Authority:** These procedures are adopted under the authority of RSA 676:1.
2. **Responsibilities:**
 - 2.1 The Planning Board:
 - a. regulates subdivisions (RSA 674:35) and site plans (RSA 674:43);
 - b. prepares and amends the implementation of the town's Master Plan (RSA 674:1), subdivision regulations (RSA 674:36), and site plan review regulations (RSA 674:44);
 - c. oversees the process of adoption of the town's zoning ordinances (RSA 675:3); and makes recommendations regarding amendments to voters; and;
 - d. develops and submits as a recommendation to the Board of Selectmen and the budget committee a capital improvement program (RSA 674:5).
 - 2.2 The Exeter Planning Department, in regards to the duties of the Planning Board:
 - a. Maintains the records of the board, to include all meetings, transactions, and findings by the board;
 - b. receives all correspondence and applications to the board;
 - c. after coordination with the chairman, emails and/or mails the agendas, minutes, and necessary notes to board members for receipt at least 5 days prior to the scheduled meetings;
 - d. reviews all applications to ensure compliance with the planning regulations and zoning ordinances of the town; and
 - e. supports and advises the board.
3. **Members:**
 - 3.1 Membership:
 - a. The board consists of six regular members appointed by the Board of Selectmen and one ex-officio member chosen by the Board of Selectmen pursuant to RSA 673:2 IIA;
 - b. In addition, there may be up to a maximum of five alternate members appointed by the Board of Selectmen;
 - c. Whenever a regular member is absent or is disqualified, the chairman, using a process that would be considered fair and equitable, will designate an alternate present to act as a regular member. However, only the alternate designated by the Board of Selectmen will serve in place of the ex-officio member;
 - d. Alternates not appointed to sit as a regular member cannot vote, but are otherwise considered members of the board when attending a meeting and shall participate in the hearing and deliberative portion of a public hearing. A roll call vote will be taken after deliberations so that it is clear which members are voting; and
 - e. Pursuant to RSA 673:5, with the exception of the ex officio member, the term of service for all members is three years, appropriately staggered.

3.2 Filling Vacancies:

- a. The Planning Board may adopt, during the first public meeting in March, a recommendation to the Board of Selectmen for appointing and/or reappointing regular and alternate members, though the Board of Selectmen is not required by statute to adhere to such recommendations.
- b. Pursuant to RSA 673:12, whenever a vacancy among the regular members occurs other than through expiration of a term, the chairman may designate an alternate member to fill the vacancy temporarily until the Board of Selectmen makes an appointment to fill the unexpired term. The Planning Board may make a recommendation to the Board of Selectmen for appointment to the vacancy.

3.3 Training:

- a. Training is primarily an on-the-job duty. The members are expected to study the regulations and come to meetings prepared with an understanding of the material provided by the Planning Department and the appropriate regulations.
- b. Periodically, the Office of Strategic Initiatives offers specific training opportunities. The Planning Department makes members aware of this training, and members should make efforts to avail themselves of these opportunities when presented. Select training opportunities are reimbursed by the Town of Exeter.

3.4 Removal of Members: The Board of Selectmen may remove a member of the board for inefficiency, neglect of duty, or malfeasance in accordance with RSA 673:13.

3.5 Disqualification of a Member:

a. Applications.

- 1.) Pursuant to RSA 673:14, no member will participate in deciding or will sit upon the hearing of any question which the board is to decide in a judicial capacity if either 1) that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens or 2) that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. For the purposes of the Planning Board, "acting in its judicial capacity" means considering whether a particular property may be used for a particular purpose or in a particular way under applicable land use regulations.
- 2.) Knowledge of the facts of the case and of the regulations and ordinances related to the case gained in the performance of the member's official duties are not reasons for disqualification.
- 3.) Whenever a question arises as to a member's status, the board will, upon the request of the member or another member of the board, vote on the question of disqualification. Such action will be made at the

commencement of any required public hearing involving that case, or if not known by the requesting party at that time, as soon as the requesting party becomes aware of the potential disqualification. This vote is advisory only. If a member chooses to disqualify him or herself, the chairman will designate an alternate member to act as a regular member.

b. Non-quasi Judicial Matters.

- 1.) Pursuant to RSA 673:14, in all other matters a board member is disqualified if his or her interests are in conflict with the matter before the board.
- 2.) Whenever a question arises as to a member's status, the board will, upon the request of the member or another member of the board, vote on the question of disqualification. Such action will be made at the commencement of any required public hearing involving that case, or if not known by the requesting party at that time, as soon as the requesting party becomes aware of the potential disqualification. This vote is advisory only. If a member chooses to disqualify him or herself, the chairman will designate an alternate member to act as a regular member.

4. **Officers:**

- 4.1 All appointed regular members of the board are eligible to be an officer, except the Board of Selectmen's ex-officio member shall not serve as chairperson or vice-chair person.
- 4.2 Elections for all offices will be held annually at the first meeting in May, to allow time for the Board of Selectmen to confer appointments and reappointments. Only appointed regular members may cast votes to elect officers; if a quorum of appointed regular members is not present, then the election must be deferred to the next meeting at which a quorum of appointed regular members is present.
- 4.3 Pursuant to RSA 673:9, the Chairperson and other officers shall serve for one year. All officers are eligible for reelection at the conclusion of their terms.
- 4.4 Chairman:
 - a. The chairman is responsible for the effectiveness of the Planning Board and for ensuring that it carries out its duties in accordance with applicable law.
 - b. The chairman will work with the Planning Department to ensure that the Planning Board executes its duties effectively and implements its regulations appropriately.
 - c. The chairman will preside over all meetings and hearings of the board, including site walks, and ensure all actions of the board are properly taken.
- 4.5 The Vice-Chairman will take the chair in the absence of the chairman.
- 4.6 The Clerk will assist the chairman as requested. The clerk will be responsible to the chairman for ascertaining a quorum and ensuring that any changes in the status of voting members is documented as a matter of record. The Clerk is responsible for recording meeting minutes in the absence of a recording secretary.

5. **Meetings:**

5.1 Regular meetings and hearings.

- a. Planning Board meetings are generally scheduled for the second and fourth Thursdays of each month at 7:00 p.m. in the Nowak Room of the Town Office building. The chairman may cancel or reschedule a meeting if circumstances warrant.
- b. The chairman will open the meeting at the appointed time, having ascertained that a quorum is present, by calling the meeting to order. He or she will then announce the sequence of the board's business.
- c. If neither the chairman nor the vice-chairman is present, the clerk will call the meeting to order, and the board will elect a chairman pro tem to conduct the meeting. In the absence of the clerk, another regular member will call the meeting to order and facilitate election of a chairman pro tem. If the chairman or vice-chairman arrives, the chairman pro tem shall step down.
- d. The chairman may set time limits on discussion. If the subject has not been adequately discussed, the board may decide to continue the discussion at a future meeting. If delaying a discussion would exceed a statutory time constraint, the discussion will continue until resolution.
- e. Meeting will adjourn no later than 10:30 p.m., unless the board votes to continue.

5.2 Joint Meetings and Hearings

- a. RSA 676:2 allows the Planning Board to hold joint meetings and hearings with other "land use boards" including the Board of Adjustment and the Historic District Commission, and other non-land use boards. Each Board shall have discretion whether or not to hold such joint meeting or hearing.
- b. Joint business meetings with another board may be held at any time when called jointly by the chairmen of the two boards.
- c. 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.
- d. The Planning Board chairman shall chair all joint meetings and public hearings when the subject matter involves the Planning Board, pursuant to RSA 676:2, I.
- e. 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:
 - i. Call to order by Chairman
 - ii. Introduction of members of both boards by Chairman
 - iii. Explanation of reason for joint meeting/hearing by Chairman

- iv. 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.
- v. Adjournment

f. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

5.3 Public Hearings of Cases.

a. Pursuant to RSA 676:4, upon receipt of an application the board will hold a public hearing within 30 days.

b. Procedures:

1 Opening:

- a.) The chairman will announce the case number and the name of the case to be considered. He or she will verify that the required postings and notifications were appropriately completed.
- b.) At this point board members may disqualify themselves and any request for disqualification will be acted on.
- c.) The board will determine if it will invoke jurisdiction on the case.
- d.) The chairman may adjust these procedures to suit the circumstances of the case. For example, the hearing may be broken into more manageable segments to allow a focus on specific points.

2 Town Planner Report: The Town Planner will report to the board any matters left incomplete by the Technical Review Committee (TRC), any major concerns of the Planner, and any waivers requested by the applicant. (After coordination with the chairman, the Town Planner may delay this report for later in the hearing.)

3 Applicant's Presentation: The applicant will address the board. Once recognized by the chair, each member may ask questions during the applicants' presentation.

4 Board Members' Initial Questioning: Once recognized by the chair, each member may ask questions of the applicant and express their concerns.

5 Public's Presentation and Discussion:

- a.) The chairman will open the hearing to the public.
- b.) Members of the public must come to the microphone to address the board. They will state their name and address before addressing the board.
- c.) The chairman may allow the applicant to respond to specific

questions or concerns. The chairman or a board member once recognized by the chairman may request any party to the case, the applicant or from the public, to reappear.

- d.) Before closing the public portion of the hearing, the chairman will read for the record any written correspondence from the public about the case. The reading may be waived by the board provided a copy of the correspondence is given each member and the applicant, and time is given for them to comprehend the information.

6 Board's Deliberation:

- a.) This is the board's primary opportunity to develop issues and discuss the case in preparation of deciding the board's action. At the chairman's discretion, with the approval of the board, he or she may allow any means appropriate for the board to make its decision (for example, a repeat site walk).
- b.) A member, once recognized by the chairman, may request anyone present to address a specific issue.
- c.) If appropriate, the chairman may reopen the public hearing.

7 Board Action: The chairman will guide the board to act on the case within the statutory time limits pursuant to RSA 676:4, I (c)1.

8 Continuances: The board may vote to continue a matter when appropriate and shall designate the date, time and place of the continued public hearing or meeting at the time of voting.

5.4 Site Walks.

- a. A site walk is an opportunity for the board to obtain a better understanding of the nature of a case under consideration. Discussion during a site walk is limited to fact gathering regarding the subject property and application. Minutes of the site walk shall be taken and be made part of the record.
- b. Proposed by any member of the board or the parties to a case, a site walk must be approved by the board.
- c. The date, time and start point of a site walk shall be announced at a noticed meeting or public hearing on the applicable application, and noticed in accordance with RSA 91-A:2 so that the public can attend. If such notice is not possible, notice shall be given pursuant to RSA 676:4, I (d)(1).

5.5 Special Meetings. Special meetings may be called by the chairman. The purpose of the meeting will be stated in the call. Except in cases of an emergency, at least two days' notice is required.

5.6 Order of Business (The chairman may modify the order of business if a majority of the board does not object.)

- a. Call to order and introductions by the chairman.
- b. Announcement of voting alternate, if applicable
- c. Announcement of changes in agenda order, if applicable
- d. Approval of minutes
 - i. Minutes may be approved either by the announced voting members for the current meeting, or by a quorum of members who were present at the meeting for which minutes are being approved. This is at the discretion of the Chairman.
- e. New Business
- f. Tabled Business
- g. Other Business, including reports from Planning Board representatives on other committees and subcommittees
- h. Town Planner Items
- i. Non-scheduled matters. These are heard at the discretion of the chairman, unless two members object

5.7 Quorum. A quorum is four regular members or alternate members acting for an absent regular member. The ex-officio member or alternate, if present, is included in determining whether a quorum is present. If the ex-officio member or his/her alternate is absent, the chairman may not designate an alternate member to bring the voting strength of the board to the authorized seven.

6. **Committees:**

- 6.1 The Board shall have the authority to appoint, upon the majority vote of its members, one or more subcommittees to assist it in the performance of its duties. The following subcommittees should be created and maintained, and additional subcommittees may be created if determined to be necessary by the Planning Board.
- a. **Master Plan:** In accordance with 674:1, it shall be the duty of every Planning Board established under RSA 673:1 to prepare and amend from time to time a master plan to guide the development of the municipality. A steering committee should be established to manage and monitor the master plan project, establish a schedule of public involvement, create working groups or subcommittees to study and report on specific Master Plan chapters, ensure that the work is proceeding on schedule, and provide guidance for the creation and reviewing of data, findings and draft documents. The steering committee should include, but not be limited to, representatives from other land use boards, the Board of Selectmen, local businesses and schools, and members of the community. The steering committee shall have at a minimum two Planning Board members. The Board will adopt the Master Plan in accordance with RSA 674:4 and RSA 675:6.

b. **Capital Improvements:** In accordance with RSA 674:5 - 674:8, the Planning Board capital improvement program committee shall prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least 6 years. A capital improvement program committee shall include at least one member of the Planning Board, and may include, but not be limited to other members of the Planning Board, the budget committee, and/or town governing body.

c. **Master Plan Oversight Committee:** This committee shall consist of three members of the Planning Board. The committee will review and promote the Master Plan and make recommendations to the Planning Board on implementation of the Master Plan's goals and objectives. The committee's work may also include the development of proposed amendments to the Town's land use regulations. The committee shall work with and seek input from other Town boards and/or other community stakeholders as deemed appropriate by the committee.

6.2 In its appointment of any committee, the Board may, but is not required to, determine the term of the committee. Prior to May 1 of each calendar year, the Planning Board will reappoint members to such committee.

6.3 Membership on any committee appointed pursuant to Section 6.1 above shall be at the discretion of the Board, including the appointment of alternate members to said committees. The Board may also by majority vote of its members terminate any committee.

6.4 Commissions and Regional Boards. The Planning Board shall request that appointments from among its members as representatives thereto be made by the Board of Selectmen (note: as long as the BOS continues to be the body with authority to appoint). Such appointees shall make regular reports to the Planning Board during public meetings and keep the Chairman and the Town Planner informed of important developing issues.

7. **Documentation and Correspondence:**

7.1 All documentation and correspondence to the Planning Board will be directed to:
Chairman of the Planning Board
Exeter Town Offices
10 Front Street
Exeter, New Hampshire 03833.

7.2 Board actions and documents will be signed as appropriate by the chairman or in his absence the vice-chairman or the clerk, or by a board member designated to do so by vote of the Board.

8. Public Relations:

- 8.1 All press releases will be given only by the chairman or the Town Planner with the permission of the chairman. These releases will be in accordance with the minutes of the board.
- 8.2 When members of the board speak to the media, they shall make clear that they are expressing their personal views and not those of the board, the Planning Department, or the Town of Exeter.
- 8.3 Communications outside meetings will be conducted pursuant to RSA 91-A: 2-a, I and 91-A: 2, II.

9. Amendment of Procedures: These procedures will be reviewed annually by the Clerk no later than April 1st and the Clerk will notify the Chair of any necessary amendments. Amendments shall be adopted at a regular meeting of the board and shall be placed on file with the Town Clerk for public inspection.

Revised and adopted 5/10/18