

PETERBOROUGH PLANNING BOARD

RULES OF PROCEDURE

I. MEMBERS & ALTERNATES

- (A) The Peterborough Planning Board (“the Board”) shall consist of seven members, who shall be elected in accordance with RSA 673:2 & 669:17. One of the seven is an *ex officio*, representing the Board of Selectmen. The Selectmen’s representative is a full voting member of the Planning Board.
- (B) Except for the Selectmen’s representative, members shall be elected for three-year terms, with no more than three members standing for election in any given year. Terms of office shall commence at the first regular Planning Board meeting after the annual Town Meeting. The term of the Selectmen’s representative shall coincide with the term of that office.
- (C) At its first regular meeting following the annual Town Meeting, the Board shall elect from among its members a Chairman and a Vice-Chairman. These officers shall serve for one year. The Selectmen’s representative may not serve as Chairman.
- (D) The Board may appoint up to five alternate members for a term of three years each.
- (E) Vacancies in the Board (other than the Selectmen’s representative) shall be filled by the remaining Board members until the next regular election at which time a successor shall be elected to either fill the unexpired term or start a new term, as appropriate.

II. DUTIES OF OFFICERS

- (A) The Chairman shall preside over meetings and shall be responsible for the conduct and decorum of the meeting. The Chairman shall ensure that all parties receive a full and fair hearing before the Board.
- (B) Whenever the Chairman is absent or disqualified to act in a particular case, the duties of chairman shall be performed by the Vice-Chairman, or another member designated by the Board.
- (C) When feasible, the member that serves as Chair for an initial application shall continue to serve as Chair until the application has been acted on.

III. MEETINGS

- (A) For the purpose of this section, a “meeting” means the convening of a quorum of the board, whether in person, by means of telephone or electronic communication, email, or in any other manner such that all participating members are able to communicate with each other contemporaneously, for the purpose of discussing or acting upon a matter or matters over which the Board has jurisdiction. This does not include chance meetings, meetings convened by other boards, committees, or entities at which a quorum of the Planning Board finds itself present, or social meetings, provided no board business is discussed, nor decisions made.

- (1) E-Mail: Board members may use E-mail to schedule and confirm meetings, to circulate draft documents that will be presented at public meetings, or to correspond with the Office of Community Development regarding working documents, agenda items or other administrative business. Official business¹ should not be conducted by E-mail. Such a discussion would be in violation of the Right-to-Know Law. E-mail correspondence may be subject to disclosure as “public documents.”
- (B) A quorum of the Board is required in order to transact any business. Four (4) members constitute a quorum of the Planning Board.
- (C) Regular meetings of the Board are held at 6:30 P.M. on the second Monday of each month at the Town House.
- (D) In the event a regular member is absent or disqualified, the Chairman shall designate an alternate to act in the absent member’s place. Except that an absent *ex officio* member can only be replaced by another Selectman. Alternate members’ voting privileges will be announced at each meeting by the Chair. Alternate members are encouraged to participate in all Board meetings.
- (E) Special meetings of the Board shall be held at the call of the Chairman, or by request of a majority of the members. Special meetings do not require a quorum, unless a vote is to be taken. Special meetings will be posted for: (1) informal public input, or (2) a Planning Board Workshop.
 - (1) The purpose of workshops is for the full Board to conduct its work in preparation for presentation to the public, or for work groups of members to present to the full Board.
 - (2) While the public is always welcome to attend, input is only by invitation from the Chair or the work group. Since workshops typically do not need to meet the same public notification requirements as a public hearing, the Board must be careful to not allow undue influence into the process from those that attend workshops over those who only attend the public hearings.
 - (3) Input can be taken if the work group or Board sees fit, or it may feel the time allowed for the workshop does not provide adequate time for the group to conduct its work and take public input at the same meeting. (The public has full voice at Public Hearings after due notice.)
 - (4) Therefore, the general rule of thumb is that the work group or Board will conduct its business first and then if time allows, open the meeting to public input. The members will take the input under advisement and will not engage in debate.

¹ For the purposes of this document, “official business” means taking votes or engaging in discussions that pertain to formal applications. This does not preclude emails between the Board and OCD regarding agenda items.

(F) NOTIFICATION

- (1) Notice of all special meetings, of the omission of any regular meeting, and of any change in the time or place of a regular meeting shall be posted in the following manner:
 - At the Office of Community Development
 - On the Community Bulletin Board in the Town House
 - At the Town Library
- (2) Regular meetings and special meetings require a 24-hour notice, although in most cases these notices will be posted well in advance of that.

(G) Public Hearings on development applications, Master Plans, or any land use regulations are held at the regular meeting on the second Monday of the month, or unless otherwise scheduled by the Board. Notices of public hearings are posted in the same manner as in paragraph E above, as well as a notice in the Town's official newspaper of record. Public hearings require a 10-day notification, not counting the day the notice appears or the day of the hearing. If more than one public hearing is held on a zoning ordinance or amendment, there must be 14 days between the last and the next hearing.

(H) All meetings are open to the public except those that fall within RSA 91-A: 3 for nonpublic sessions. At public meetings any person is permitted to be present, and to record the meeting, but is not allowed to speak unless recognized by the Chair. Public hearings, on the other hand, are for the purpose of receiving testimony from the public.

IV. CONDUCT OF PUBLIC HEARINGS.

Public Hearings shall be governed by the following rules and order of business:

- (A) Hearings on Development Applications
 - (1) Announcement of Application
 - (2) Presentation of Application
 - (3) Questions from the Chair
 - (4) Questions from the Board
 - (5) Public Input: Questions and Comments should be directed to the Chair. There shall be no debate between the audience and the applicant or other audience members.
 - (6) Closing of Public Hearing
 - (7) Announcement of Time and Place of Board Deliberation
 - (8) Deliberation Session:
 - No public input will be taken.
 - Questions from the Board may be directed to the applicant or the public.
 - Comments from Board
 - Call for Motion, Vote taken
- (B) Hearings on Zoning Amendments, Master Plans, Land Use Regulations
 - (1) Announcement of the amendments, plan or regulation
 - (2) Call for public comment or questions
 - (3) Announcement of Time and Place of Board Deliberation,

(4) Deliberative Session – same as above

In no case does the Board intend to engage either the applicant or the public in debate.

V. RECORDS/NOTICE OF DECISION

- (A) The record of all Board proceedings shall be kept by the OCD Administrative Assistant and be available for public inspection.
- (B) Minutes of all meetings and hearings and any decisions made will be available for public inspection in the Office of Community Development within 144 hours of the meeting.
- (C) All decisions will be in writing and provided to the applicant within 144 hours of the meeting at which the decision was made.

VI. JOINT MEETINGS AND HEARINGS

- (A) The Planning Board may hold joint meetings and hearings with other land use boards, such as the Board of Adjustment. Each board shall have discretion whether or not to hold such joint meeting or hearing (RSA 676:2).
- (B) 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.
- (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 chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
- (E) Procedures for joint meetings or hearings are consistent with those followed by the respective boards. Each board is responsible for rendering a decision on the subject matter within its jurisdiction.

VI. SITE VISITS

- (A) A Site Visit is a visit by the Board, or by one or more members of the Board, together with the applicant or the applicant's agent, to a location, which is the subject of an application before the Board.
- (B) When the Board schedules a Site Visit for the Board membership, it shall be posted as a meeting of the Board in accordance with RSA 91-A, and minutes must be taken.
- (C) By signing the application form for subdivision or site plan review, the applicant agrees to allow the Board or its designee on the subject property. If such a request is not granted, the application may be denied by majority vote of the Board without further hearings.
- (D) In the event that any members of the public are present at the Site Visit, public input, comments and questions may not be taken if, in the opinion of the Chair, hearing will be difficult by anyone in attendance.

VII. GRIEVANCE PROCEDURES

- (A) Any person not satisfied with the manner in which the Board conducts its business should follow the following procedure to obtain resolution:
 - (1) Meet with the subject of grievance in person to discuss and listen. Both parties must be heard. If satisfaction is not obtained:
 - (2) Arrange for meeting with subject of grievance and Director of Community Development, to discuss and listen. Both parties must be heard. If satisfaction is not obtained:
 - (3) Arrange for meeting with subject of grievance, Director of Community Development, and Board of Selectmen in Executive Session, per RSA 91-A. If satisfaction is not obtained:
 - (4) If the subject of the grievance is an appointed volunteer, the aggrieved party may seek the removal of the elected volunteer through RSA 673:13.
- (B) In any event, the publishing of letters or articles or skipping these steps is discouraged, so as to maintain the dignity of all parties.

VIII. STANDARDS OF CONDUCT

- (A) The primary obligation of the Planning Board is to serve the public interest, and members should conduct themselves so as to maintain public confidence in the Planning Board and the conduct of its business.
- (B) To avoid conflict of interest or the appearance of any impropriety, a member having a personal interest, financial or otherwise, in any application before the Board shall be disqualified from participating in the consideration or decision on that application. "Personal interest" shall include, without limitation, being a relative of an applicant or being the owner or lessee of property abutting the property that is the subject of an application. [See RSA 673:14]
- (C) Any member who demonstrates bias for or against an applicant or application will be disqualified by a vote of the members.
- (D) Board members are not required to be disqualified in matters of zoning amendments, adopting of Master Plan amendments, or other study documents adopted for the Town, so they may represent their constituents.

IX. SUBMITTAL OF ORDINANCE/REGULATION CHANGES

Because of concerns about the timing for public hearings relative to zoning amendments, the Board will follow these procedures²:

- (A) Anyone wishing to submit proposals to the Planning Board for amendments to any of the Land Use Regulations must do so no later than the October regulatory meeting.

² Final proposals must be submitted to the Town Clerk by the fifth Tuesday prior to Town Meeting. Generally this means that the last week in January or the first of February is the deadline for public hearings. Furthermore, hearings on zoning amendments require a full 14 days between hearings.

- (B) The OCD will review the proposals and provide a written report to the Board at the November regulatory meeting. The Board will vote on which, if any, proposals to support, and schedule the public hearings. (Note that a second public hearing is required only if there are substantive changes to the proposal.)
- (C) Petitions to amend the zoning ordinance must be submitted to the Selectmen no earlier than 120 days, and no later than 90 days prior to Town Meeting. Upon receipt, the Selectmen will submit the petition(s) to the Planning Board at the next regular meeting of the Board, at which time a public hearing on the petition(s) will be scheduled. At that public hearing, the Board will vote whether to support or not support the petition(s).
- (D) When amendments to the zoning ordinance are proposed, the Chair shall assign each proposal to a planning board member(s) who shall be responsible for overseeing that amendment through the process. That member(s) will work with the OCD Director in the drafting of language and the preparation for workshops, public hearing(s) on that amendment. The posting of any proposed amendments will include the name of the steward(s) of each proposal. The steward(s) will describe the intent of the amendment and provide a general overview to inform the public. OCD staff will provide technical support for the steward(s).

X. REQUIRED READING

All members are required to have read the most current:

- Peterborough Land Use Regulations
- Peterborough Planning Board Rules of Procedure
- Peterborough Master Plan
- Minutes of Peterborough Planning Board Meetings
- Riggins Rules
- The Peterson Rules of Civility
- The Planning Board in New Hampshire: A Handbook for Local Officials

XI. AMENDMENTS

These Rules of Procedure may be amended after public hearing by a majority vote of the Planning Board.

Adopted by the Planning Board June 9, 2003

Amended July 14, 2003

Amended August 9, 2004

Amended November 14, 2005

Amended June 12, 2006