

**OFFICE OF THE RINDGE PLANNING BOARD
RINDGE, NEW HAMPSHIRE**

RULES OF PROCEDURE

AUTHORITY

These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, Chapter 676:1

MEMBERSHIP

As provided in RSA 673:2 II (b) the Planning Board shall consist of seven (7) Members. The six Members elected by the Local Legislative Body shall have terms of three (3) years, such terms to be staggered. The Selectmen shall choose one Selectman as an Ex-officio Member whose term shall conform to his/her term as Selectman unless otherwise stipulated at the time of appointment. As provided for in RSA 673:6 II, the Board may appoint up to five Alternate Members for a term of three years each. The Planning Board shall have all the powers granted to Planning Boards under state law.

VACANCIES IN MEMBERSHIP

For elected Planning Board Members, a vacancy is filled by appointment by the remaining Board Members until the next regular municipal election, at which time a successor shall be elected to either fill the remainder of the unexpired term, or start a new term, as the case may be. Vacancies shall be posted in 2 appropriate places and shall be printed in a newspaper of general circulation in the city or town for at least two weeks, prior to the filling of a vacancy.

OFFICERS

1. A Chairperson shall be elected annually, at the first meeting following Town Meeting, by a majority vote of the Board. He/she shall preside over all meetings and hearings, appoint such committees as directed by the Board and shall affix his/her signature in the name of the Board.
2. A Vice-Chairperson shall be elected annually, at the first meeting following Town Meeting, by a majority vote of the Board. The Vice-Chairperson shall preside as the Acting Chairperson in the absence of the Chairperson and shall have the full power of the Chairperson during his/her absence.
3. In the absence of both the Chairperson and the Vice-Chairperson an Acting Chairperson shall be chosen by a majority vote of the Members present.

4. All officers shall serve for one year and shall be eligible for re-election.

DUTIES

1. It shall be the duty of all Members and Alternates to be present at all hearings and meetings, to read materials in preparation for meetings, and to serve on committees as needed.
2. Disqualification: If any Member finds it necessary to disqualify him/herself from sitting on a particular case, he/she shall notify the Chairperson as soon as possible so that an Alternate may be appointed to sit in his/her place. The disqualification shall be announced by either the Chairperson or the Member disqualifying him/herself before the beginning of the public hearing on the case.
3. Should any Member miss three consecutive meetings without notifying the Chairperson, or more than four unexcused meetings annually, removal of that member may be recommended to the Board of Selectmen as provided in RSA 673:13.

STAFF

1. The Board may appoint staff subject to the limitations of funds available.
2. The Board or the Planning Director may further appoint or contract with Town or regional planners, engineers, architects, and other consultants for such services as may be required.

STANDARDS OF CONDUCT

1. CONFLICT OF INTEREST or PREJUDGEMENT.

In accordance with RSA 673:14, no Member shall participate in deciding or shall sit upon the hearing of any question if that Member has a direct personal or pecuniary interest in the outcome, or if 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.

Reasons for disqualification include, but are not limited to, when a Member:

- a) Is related to the applicant or any abutter;
- b) Has assisted or advised the applicant, the applicant's agent, or any abutter; or,
- c) Is biased or prejudiced in any manner or to any degree which would, in the eyes of a reasonable and prudent person, prevent the Member from acting impartially with respect to the application before the Board.

A Member who is disqualified shall remove himself/ herself from the Board, until such time as the Board has completed its consideration of the application at that meeting. The Member may then return to the Board. If, as a result of disqualification, the Board loses its quorum, then there shall be an adjournment or recess of consideration of the matter until there is a quorum either at the same meeting or the next available meeting.

2. E-MAIL AND OTHER COMMUNICATIONS BETWEEN MEETINGS

2.1 The purposes of this Section are:

- a) To ensure compliance with the letter and spirit of the Right-to-Know Law, RSA 91-A, and with the Due Process rights of parties before the Board;
- b) To clarify Board Members' ability, between meetings, to research issues and prepare motions or other potential Board actions, thus promoting efficient use of meeting time, but only to the extent allowed by law; and
- c) To clarify the role of electronic media such as E-mail in achieving these goals.

2.2 In this Section:

Communication means a transfer of information, objective or subjective, from one person to another. It includes face-to-face or phone conversations, letters, memos, E-mails, web sites, or any other medium, regardless of the location or ownership of any device or equipment used.

Distribution is a one-way communication between meetings involving more than one Board Member where no between-meeting response (except acknowledgment of receipt) occurs or is expected.

Exchange is a communication between meetings, or series of communications, involving more than one Board Member which includes a between-meeting response, or expectation of a response.

Ex Parte Communication is communication, other than at a legally-noticed meeting, between a Board member and a person with an interest in, or affected by, a pending or future case.

2.3 Activities of Individual Members Between Meetings of the Planning Board.

Individual Board Members may prepare drafts of motions or other potential Board actions between Board meetings. They may also research or investigate general or specific factual issues. However, if the research pertains to a case, the Member shall, at the public hearing, report all findings to the Board, and parties to the case shall be given a meaningful opportunity to respond.

2.4 DISTRIBUTIONS

A Distribution may be made to any number of Board Members, so long as it does not become an Exchange. Whenever a member makes a Distribution concerning a pending or future case and it involves a quorum of the Board (counting all senders and recipients):

- a) a copy shall be forwarded to the Planning Director, who shall determine, under RSA 91-A or other applicable law, whether the Distribution is subject to public disclosure and shall place the copy in the appropriate file;
- b) the Member making the Distribution shall report on it, and its contents, at the public hearing on the case unless the information is exempt from disclosure under RSA 91-A; and,
- c) parties to the case shall be given a meaningful opportunity to respond to the information in the Distribution.

2.5 EXCHANGES

Exchanges involving a quorum or more of the Board or of any Planning Board Committee are prohibited. Such Exchanges shall be considered deliberations and shall occur only at meetings noticed in accordance with RSA 91-A. An Exchange pertaining to any activity allowed under this paragraph is permitted if the number of Board or Committee Members involved is less than a quorum; however:

- a) information discussed in, or generated by, an Exchange between Members shall not be subject to further Distribution; and
- b) no Exchange shall include any vote or straw vote, or any Ex Parte Communication.

2.6 EX PARTE COMMUNICATIONS

Board Members shall not initiate Ex Parte Communications. If an Ex Parte Communication is initiated by another person, the Board Member contacted shall:

- a) refrain from discussing the substance or merits of a case;
- b) inform the person, if necessary, that such a discussion could lead to disqualification;
- c) refer the person to the Planning Department or to a Board meeting, as appropriate; and
- d) report on the conversation to the Board at a public meeting. The Chairperson may inquire generally of the Board prior to opening a public hearing on an application, and specifically of an applicant or an applicant's agent, whether any ex parte communications have occurred with respect to the matter before the Board.

2.7 SCHEDULING AND AGENDA

Notwithstanding anything herein contained to the contrary, nothing in this policy prevents any Distributions, Exchanges or Ex Parte Communications which pertain solely to:

- a) scheduling of meetings or hearings;
 - b) the determination or ordering of agenda items or topics to be taken up at meetings or hearings;
- or
- c) general procedural requirements pertaining to such scheduling and agenda matters.

MEETINGS AND HEARINGS

1. The Planning Board shall hold at least one regular meeting a month in accordance with RSA 673:10. The first meeting in March following elections shall be a work meeting if scheduling permits, for the purpose of election of officers, review of Rules of Procedure and orientation of new Members. Other meetings may be held on call of the Chairperson provided public notice and notice to each Member is given at least 48 hours, excluding Sunday and legal holidays, prior to such meetings. Workshop meetings will be held as needed and specified by the Planning Board Chairperson.
2. A quorum for all meetings of the Board shall be four Members, including Alternates sitting in place of regular Members.
3. If any regular Board Member is absent from any meeting or hearing, or disqualifies him/herself from sitting on a particular case, the Chairperson shall designate an Alternate Member 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. Appointment, Number and Terms of Alternate Members, Per RSA 673:6, Designation of Alternate Members, Per 673:11, and Filling Vacancies in Membership, Per RSA 673:12. The Chairperson, or Acting Chairperson, shall decide which alternates shall be seated on a rotating basis, with consideration given for continuity of continued cases.

RECONSIDERATION OR CLARIFICATION OF DECISION

The Planning Board has the inherent authority to reconsider or clarify a decision upon its own motion or at the request of a party to the proceeding within the thirty-day appeal period established by RSA 677:4.

RECORDING

Signed decisions and the plans approved in connection therewith shall not be recorded until the thirty (30) day appeal period has lapsed.

ORDER OF BUSINESS-SITE WALK

- a. Call to order by the Chairperson.
- b. Roll Call.
- c. Appointment of Alternates.
- d. Site walk conducted by applicant or applicant's designated representative.
- e. Question and Answer session.
- f. Summary.
- g. Adjourn.

ORDER OF BUSINESS-HEARING OR MEETING

The order of business for regular meetings shall be as follows, unless otherwise amended by the Chairperson.

- a. Call to order by the Chairperson.
- b. Roll Call
- c. Appointment of Alternates
- d. Correspondence
- e. Minutes of Previous Meeting
- f. Old/unfinished Business
- h. New Business
- i. Informal Discussions (limited to 15 min per agenda item)
- j. Adjournment

AGENDA

Agendas shall be prepared for every meeting of the Planning Board. Preparation of agendas are the authority of the Planning Board. Administrative responsibilities for its preparation are delegated to the Chairperson, who will have final approval of the content, and to the Planning Director, who will assist the Chairperson in its preparation and posting. All items to be discussed by the Planning Board shall be noted on the agenda.

Any new material on an open case shall be submitted 15 days prior to the continued hearing date, unless otherwise waived by the Planning Board or Planning Director.

Subcommittee meetings shall be posted with an agenda noting items to be discussed. Agendas must be posted consistent with RSA 91-A: 2. "Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings."

ORDER OF PUBLIC HEARING

1. The conduct of public hearings shall be governed by the following rules:
 - a. The Chairperson shall call the hearing in session, and ask for the Planning Director's report on the first case.
 - b. The applicant presents testimony.
 - c. Members of the Board may ask questions at any point during testimony.
 - d. Each person who appears shall be required to state their name and address and indicate whether he/she is a party to the case.
 - e. Any Member of the Board, through the Chairperson, may request any party to the case to speak a second time.
 - f. Any party to the case who wants to ask a question of another party to the case must do so through the Chairperson.
 - i. The Chairperson shall close the hearing.
 - j. The Board enters into deliberation.

COMMITTEES

Each committee will elect its own Chairperson, unless the Board Chairperson chooses to appoint the Committee Chairperson. Whenever possible, two elected Planning Board Members shall sit on each Committee and the Chairperson of the Committee shall always be an elected Planning Board Member.

RECORDS

1. The records of the Board shall be kept by the Planning Director or Planning Assistant and made available for public inspection during normal business hours. The Planning Director, Planning Assistant, a Planning Board Member, Selectmen's Secretary, or other authorized town employee must be present at all times while the files are being inspected.
2. Case files and records are never to be removed from the Planning Board's files except temporarily for reproduction, during which time they must remain in the custody of the Planning Director, Planning Assistant, a Planning Board Member, Selectmen's Secretary or an authorized Town employee.
3. Each individual matter considered by the Board will be assembled into a case file, which will contain as a minimum: The original application; a copy of the notice of the hearing, to which are appended certificates of mailing receipts; and as applicable, a copy of blueprints, any state agency approval, correspondence and related documents. Case file hearings shall list the Map & Lot number of the land involved, and the month and year action was taken. Cases shall be filed by Map & Lot number.

4. Only a Planning Board Member, the Planning Director or Planning Assistant shall place any document in a case file.
5. Meeting Tapes shall be retained by the Planning Department for at least thirty (30) days following the close of any appeal process.

AMENDMENT

These Rules of Procedure shall be reviewed annually and revised as needed. Amendments shall be by a majority vote of the Board.

Adopted by a majority vote of the Rindge Planning Board on December 16, 1996 and amended September 2, 2008 .