

# Planning Board Roles and Responsibilities

## Part 2

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# Topics

- ▶ Basics
- ▶ Disqualification of Members
- ▶ Rules of Procedure
- ▶ Application and Review Procedures
- ▶ How to Run a Meeting

The background of the slide is a dark blue-grey color. On the left side, there is a faint, light-colored graphic of a compass rose with a needle pointing towards the top-left. The compass rose has letters 'N', 'E', 'S', and 'W' visible. To the right of the compass rose, there is a faint topographic map with contour lines. The main text is centered on the slide.

We are the Planning Board, not the Wait  
And-See-What-Happens Board!

John Lukens

# Basics – Planning Boards

## RSA 673

- ▶ Members must be residents
- ▶ 9 members in cities, 7-9 in towns with town councils, 5-7 in other towns
- ▶ Appointed by Selectmen or elected
- ▶ 3 year terms
- ▶ May have up to 5 alternates
- ▶ No more than 2 members on same board (in towns)

# Basics - Planning Boards

## RSA 673 (cont'd.)

- ▶ 1 year term for Chair; may be re-elected
- ▶ Ex officio member cannot be chair
- ▶ Must hold at least 1 meeting per month
- ▶ Majority of members is quorum
- ▶ Chair designates alternates
- ▶ Regular alternates can't fill BOS rep seat

# Basics - Planning Boards

## RSA 673 (cont'd.)

- ▶ Members may be removed by BOS after public hearing for inefficiency, neglect of duty, or malfeasance in office
- ▶ Need written statement of reasons for removal
- ▶ Board may appoint employees, contract with consultants, accept gifts and grants in exercise of functions

# Disqualification

## RSA 673:14

- ▶ Any person who has a direct personal or pecuniary interest in outcome of application which differs from other citizens must disqualify him/herself
- ▶ Must step down if unable to act as juror in trial
- ▶ Only Board members can request advisory, non-binding vote on whether member should be disqualified
- ▶ Request and vote must be made prior to or at start of public hearing

# Juror Standard

## RSA 500-A:12

Person may not be a juror if he/she:

- ▶ Expects to gain or lose upon disposition of case
- ▶ Is related to either party
- ▶ Has advised or assisted either party
- ▶ Has given his opinion or formed an opinion
- ▶ Is employed by either party
- ▶ Does not appear to be indifferent



# Duties of Planning Board

## RSA 674:1

- ▶ Prepare and amend Master Plan
- ▶ Promote interest in Master Plan
- ▶ Make recommendations for development of community, public structures, municipal improvements
- ▶ Consult with and advise public officials
- ▶ Attend conferences or meetings
- ▶ Enter and examine land
- ▶ Recommend zoning amendments

# Rules of Procedure

## RSA 676:4

- ▶ Board must adopt rules of procedure (bylaws) for conducting business
- ▶ Should address internal procedures such as swearing in of members, organization of Board, time and place of meetings, order of business, who keeps minutes and records, etc.
- ▶ Help applicants and public understand process

# Salem's Rules of Procedure

- Terms of office
- Officers
- Vacancies
- Alternates
- Quorum
- Voting
- Order of Business
- Site Walks
- Standards of Conduct
- Agenda Management

# Application/Review Procedures RSA 676:4

- ▶ Must issue written decision
- ▶ Must provide reasons if disapprove plan
- ▶ Regulations should specify what constitutes completed application
- ▶ Board determines if application is complete
- ▶ Must act within 65 days or get extension or waiver

# Application/Review Procedures RSA 676:4 (cont'd.)

- ▶ Need public hearing to approve or deny plan, except minor lot line adjustments
- ▶ Can impose reasonable fees for expenses and special studies
- ▶ May allow pre-application review of plans
- ▶ Preliminary Conceptual Consultation
- ▶ Phase and Design Review Phase

# Application/Review

## Procedures RSA 676:4 (cont'd.)

- ▶ Opportunities for notice and participation should not be impaired
- ▶ Court review limited to compliance with constitution and regulations
- ▶ Court may reverse decision only if error of law or unreasonable decision
- ▶ Intent is fair and reasonable treatment of all parties

# NH Case Law

Planning Boards must:

- ▶ Provide assistance and advise applicants
- ▶ Apply regulations fairly and reasonably
- ▶ Not pre-judge applications
- ▶ Not make arbitrary decisions

# What Applicants Want

- ▶ Tell them what information is required and what policies, standards, and rules must be followed
- ▶ Consistency
- ▶ Reasonable costs
- ▶ Timely decisions
- ▶ Fair treatment



# How To Run A Meeting

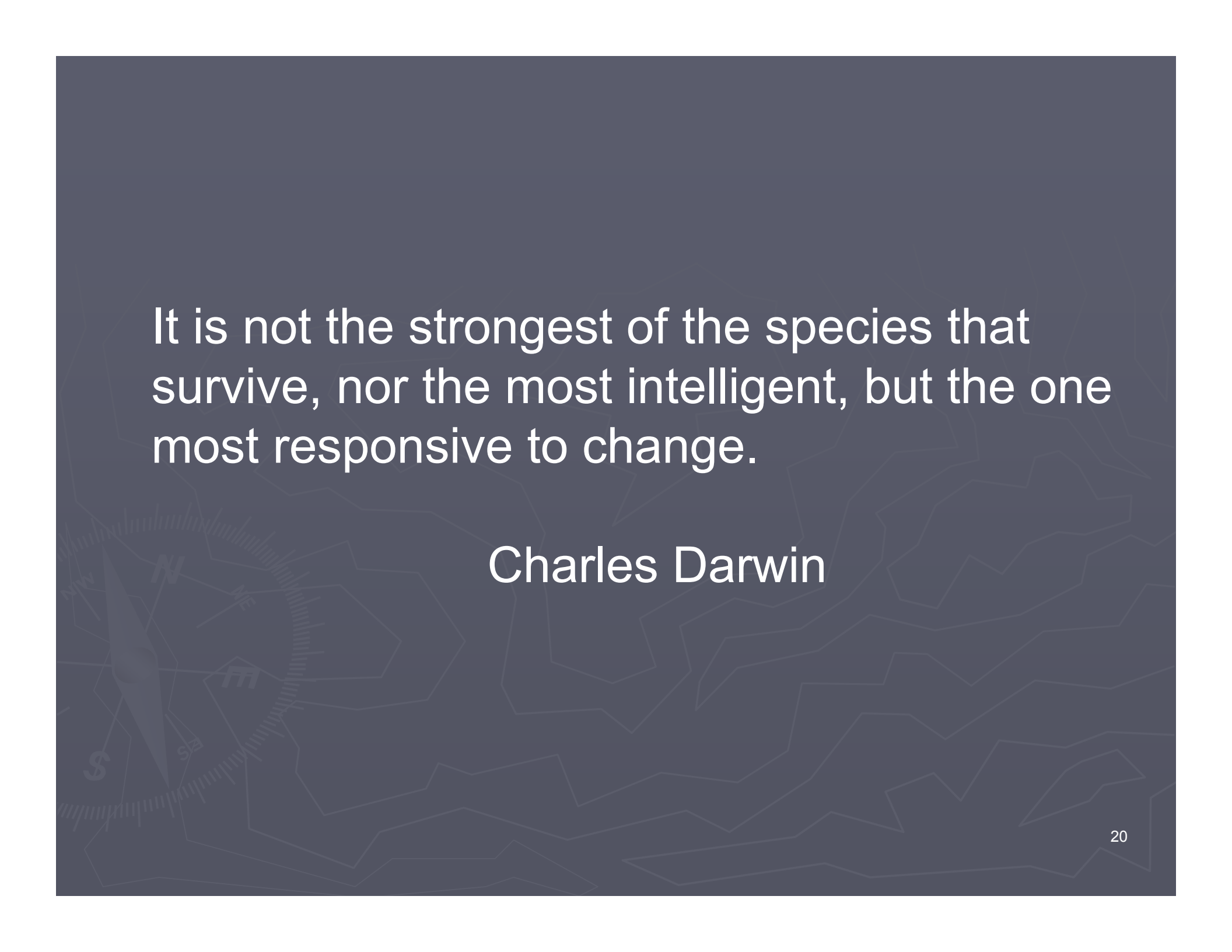
- ▶ Follow Rules of Procedure
- ▶ Stick to the agenda
- ▶ Chair should introduce members, read agenda, explain process, control meeting
- ▶ All speakers should be recognized by Chair and should address only Board
- ▶ Physical setting should maintain order
- ▶ Keep all discussion civil

# How To Run A Meeting (cont'd.)

- ▶ Prohibit interruptions
- ▶ Hear all testimony before commenting
- ▶ Avoid taking sides
- ▶ Don't bog down in details/distractions
- ▶ Allow all members to speak but none to dominate
- ▶ Chair should sum sense of Board and prod motions

# How To Run A Meeting (cont'd.)

- ▶ Follow standard order of business: applicant presentation, staff report, Board questions, abutter comments
- ▶ Set time limit for end of meeting
- ▶ Use extra meetings if agenda is backlogged



It is not the strongest of the species that survive, nor the most intelligent, but the one most responsive to change.

Charles Darwin

Make no little plans; they have no magic to stir men's blood and probably will not be realized. Make big plans; aim high in hope and work, remember, that a noble, logical diagram once recorded will never die, but long after we are gone will be a living thing, asserting itself with ever-growing insistency. Remember that our sons and grandsons are going to do things that would stagger us. Let your watchword be order and your beacon beauty.

Daniel Burnham