

# City of Concord Planning Board Rules & Procedures



Adopted: May 3, 1989  
Revised: January 20, 2010  
Revised: February 20, 2018  
Re-adopted: March 20, 2024

## **Article I. Name**

The name of the committee is the City of Concord Planning Board.

## **Article II. Authority and Duties**

The authority and duties of the Concord Planning Board shall comply with the New Hampshire Revised Statutes Annotated, Chapters 671-677, as exists or may be amended, and shall be subject to all provisions of said chapters.

## **Article III. Membership**

### **A. Membership.**

1. The Planning Board consists of nine (9) regular members and three (3) alternate members.
2. Two (2) regular members are ex-officio members. The ex-officio members are the City Manager or the City Manager's designee, and a member of the City Council selected by the City Council.
3. Alternates may sit to fill the open seats of regular members at the call of the Chair or Presiding Officer, except for the seats held by the City Council member and the City Manager's designee.
4. Alternate members shall be allowed to participate in meetings as non-voting members, including discussions.
5. Members shall be appointed to terms of three (3) years.

### **B. Attendance, Vacancies, and Removal.**

All appointments to the Board shall serve for the terms appointed by City Council until a successor is appointed and qualified. Members who fail to attend four (4) meetings out of any twelve (12) consecutive meetings held without due cause may be recommended by the Board for replacement by the City Council. Such failure to attend shall be deemed sufficient cause for the City Council to remove the member pursuant to RSA 673:13. Appointments made to fill any vacancies shall be for full terms to begin the date of appointment by the appointing authority unless otherwise provided in state statute.

## **Article IV. Officers and Staffing**

**A. Officers.** The officers of the Planning Board shall consist of a Chair and a Vice Chair who shall be elected by all Members of the Planning Board. Ex-officio members shall not be officers.

**B. Duties of the Chair.** The Chair shall be the Presiding Officer responsible for the conduct of all matters pertaining to the usual duties as described in Robert's Rules of Order. The Chair may make motions and vote on all matters.

**C. Vice Chair.** The Vice Chair, during the absence or disability of the Chair, shall perform all the duties of the Chair, and such other and further duties as may be required or requested

by the Planning Board. In the absence of both Chair and Vice Chair, the members present, at a regular or special meeting, shall by majority vote, select a temporary Chair Pro-tem, to fulfill all of the duties of the Presiding Officer until such time as the Chair or Vice Chair is present.

- D. **Staff.** The City Planner shall serve as Clerk of the Planning Board. He/she shall keep the minutes and records of the Board, prepare and distribute the agenda of regular and special meetings, provide notice of meetings to Board members, arrange proper and legal notice of hearings and meetings, attend to correspondence of the Board, and perform such other duties as are carried out by a Clerk. In the absence of the Clerk, the Assistant City Planner shall serve as Acting Clerk to take the minutes of the meeting and perform such other duties of the Clerk as may be required.

#### **Article V. Election of Officers**

- A. Nomination of officers shall be made at the first meeting in January.
- B. Candidates for any office shall be elected by a majority vote of the entire membership of the Planning Board. The elected candidates shall take office immediately.
- C. Vacancies in offices shall be filled at the next regular meeting by using the regular election procedure.

#### **Article VI. Meetings and Conduct of Business**

- A. **Regular Meetings.** The Planning Board shall meet on the third Wednesday of each month at 7:00 P. M. in the City Council Chambers unless otherwise specified by the Board or by the Chair, prior to the second Wednesday of the month in which the meeting is to be held.
- B. **Special Meetings.** Special Meetings may be called by the Chair, Vice Chair or Planning Director. Members shall be notified by e-mail at least forty-eight (48) hours in advance of a Special Meeting.
- C. **Cancellations or Exceptions to Meeting Schedules.** In the event of a cancellation or change to the meeting schedule, Members shall be notified by the Chair, Presiding Officer, or Staff, by e-mail at least four (4) hours in advance, or by telephone if less than four (4) hours.
- D. **Non-Public Sessions.** Non-Public Sessions shall be convened in accordance with RSA 91-A:3.
- E. **Parliamentary Authority.** The parliamentary authority for the Board is Robert's Rules of Order Revised, 11<sup>th</sup> edition, or duly published successor edition, except as provided by the rules or local, state, or federal law.
- F. **Seating of Alternates.** At the beginning of each meeting, The Board may designate alternates for any regular member who is absent. Alternates shall then vote as regular members. Alternates not seated for regular members who are absent may still be present and participate in discussions, though they may not vote.

- G. **Quorum.** A quorum shall consist of five (5) members. Whenever a quorum is not present at a regular or properly noticed meeting, the meeting shall be considered adjourned and will be rescheduled by the Chair or Presiding Officer.
- H. **Order of Business.** Business at regular or special meetings shall be taken up in the sequence of the posted agenda. Any voting member may request that an agenda item be re-ordered. The voting members shall by majority shall by majority vote, approve or reject any such request. I.
- I. **Conflict of Interest.** No member of the Planning Board shall introduce, speak on, or vote on any motion, ordinance, resolution, or issue for which he/she has a personal or pecuniary interest, nor shall any member vote on development applications for which he/she is an abutter. The Chair shall fill the open seat of a member who has declared a conflict of interest with an alternate member, except seats held by ex-officio members.
- J. **Procedure for Actions.** Actions shall be taken on the basis of a motion, duly seconded, made by any member of the Planning Board. The number of votes necessary to transact business shall be a majority of those members present and voting, except that no issue is to be considered passed that receives less than three (3) affirmative votes. Any member may request recording of his vote in the negative or abstention on any issue or his withdrawal from consideration on any issue with the reason stated therefor, and at the request of any member, the Chair shall call for a recorded roll call vote on any issue.
- K. **Minutes.** Minutes shall be kept for all meetings of the Board by a member of Staff. The minutes, shall include the names of members in attendance, persons appearing before the Board, all actions, motions and resolutions coming before the public body including the votes of the members, and a brief description of the subject matter discussed. Draft minutes shall be available to the public not more than five (5) business days after the meeting and shall be placed on the City website. . Draft minutes shall be clearly marked "DRAFT". Draft minutes, with or without revisions, shall be approved by the Board at the next meeting of the Board or as soon as possible. Final approved minutes shall be provided to the City Clerk for the permanent record and posted on the City website.
- L. **Recording of Meetings.** The Board shall arrange for video recording of all meetings.
- M. **E-mail.** Committee members shall refrain from using e-mail to discuss issues with other members where the e-mail discussion directly or indirectly involves a quorum of the Board. In addition, Board members shall refrain from conducting any official business of the Board outside the view of the public and the press unless permitted by State laws.
- N. **Amendment of Rules.** These rules may be repealed or amended by a vote of the City of Concord Planning Board upon the recommendation of the Board or Staff.
- O. **Other Boards & Commissions.** No member of the Planning Board shall represent the Board before any other City board or commission without authorization by the Board.

## **Article VII. Committees**

- A. The Planning Board may, from time to time, deem special purpose and/or study committees necessary to conduct its business. The members of these committees shall be

appointed by the Chair. Any such committees shall sunset when their final report is acted upon by the Board.

#### **Article VIII. Public Hearings RSA 675:7**

- A. In addition to hearings required by statute or ordinance, the Planning Board may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest.
- B. Notice shall be given for the time and place of each public hearing held under RSA 675:2-4 and RSA 675:6 at least 10 calendar days before the hearing. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places.
- C. Guidelines for Testimony at a Public Hearing:
  - 1. The Chair or the Presiding Officer shall call the hearing into session and identify the Applicant or Speaker.
  - 2. The matter before the Planning Board shall be presented in summary. During the presentation, members of the Planning Board may ask questions of the Applicant or Speaker when recognized by the Chair or Presiding Officer.
  - 3. An Applicant or Speaker wishing to ask a question of another party must first be recognized by the Chair or Presiding Officer.
  - 4. An Applicant, abutter, or any other person with a direct interest in the subject matter under discussion, may testify in person or in writing. All other interested persons may testify as permitted by the Chair or Presiding Officer.
  - 5. Each person who speaks shall be required to state their name and address and to identify themselves as a party to the matter at hand, or an agent, or counsel to the Applicant or Abutter.
  - 6. Other interested parties such as representatives of City Departments, Boards, or Commissions shall be allowed to present their comments in person or in writing.
  - 7. The Chair or Presiding Officer shall declare a hearing closed or adjourned pending the submission of additional material or information or the correction of the noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time, and place of the continuation is made known prior to adjournment.

#### **Article IX. Decisions**

- A. The Planning Board shall render a written decision within sixty-five (65) days of the date of acceptance of a completed application, subject to extension or waiver as provided in RSA 676:4.
- B. The Planning Board shall act to approve, conditionally approve, or disapprove.

- C. Notice of decision will be made available for public inspection at the Planning Department within five (5) business days after the decision is made, as required in RSA 676:3. If the application is disapproved, the Planning Board shall provide the applicant with written reason for this disapproval.

**Article X. Reconsideration**

- A. The Planning Board may reconsider any decision to approve or disapprove an application, for good cause, provided it is within the statutory appeal period. Upon successful passage of the motion, the Planning Board shall schedule a public hearing, with notice as provided in RSA 676:4, 1(d), where they shall consider whether or not to revise or alter their original decision. Should the Planning Board reach a new decision, a new appeal period shall be considered to have begun pursuant to RSA 677:15.

**Article XI. Special Investigative Studies and Review**

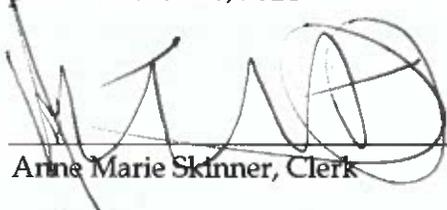
- A. The Planning Board is empowered under RSA 674:44(V) and RSA 676:4(I)(g) to impose reasonable fees to cover its administrative expenses and costs of investigative studies, review of documents, and other matters which may be required by particular applications.

**Article XII. Suspension and Amendments**

- A. The City of Concord Planning Board may suspend any of these rules for a specific purpose by a two-thirds (2/3) majority vote of the members present.
- B. These rules may be amended at any regular or special meeting by a two-thirds (2/3) vote of the entire membership of the Planning Board, including alternates provided that the agenda for said meeting specifies the amendment to be voted on.

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Attest:

  
Arne Marie Skinner, Clerk

March 20, 2024