



PLANNING BOARD

Town of Rye, New Hampshire

Rules of Procedure Rye Planning Board

Section One: Authority

These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, 1983, Chapter 676:1.

Section Two: Purpose

To establish rules guiding all Planning Board functions-- organization, conduct of meetings, duties of officers and committees, conflict of interest, etc. Each member and alternate shall have his own personal copy of this document and become familiar with its contents.

Section Three: Organization

3.1 Officers

3.1.1 Election

The Rye Planning Board shall elect the following officers, annually, at the April regular meeting:

- a. Chairman
- b. Vice Chairman
- c. Clerk

3.1.2 Duties

- a. Chairman: The Chairman shall preside over all regular meetings and hearings; appoint members to such temporary committees as he deems necessary or as directed by the Board; act on behalf of the Board on matters authorized by the Board; and perform other duties required of the presiding officer.
- b. Vice Chairman: The Vice Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on all matters that come before the Board in the Chairman's absence.
- c. Clerk: The Clerk shall assure that the minutes are taken for every meeting; that the minutes are approved and filed with the Town Clerk in a timely fashion; that an attendance record is kept for all Board members and alternates. The Clerk may, if necessary, sit as acting Chairman.

3.1.3 Term

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

3.2 Committees: The Rye Planning Board shall have the standing committees listed below and any temporary committees as may be designated from time to time by the Chairman. Non-voting interested citizens may contribute to the planning process as Citizens-at Large, appointed by the Board for three year terms.

The purpose of standing committees is to organize and facilitate the work of the Board and to encourage citizen participation in formulating policy. These rules are not intended to delegate in any way the responsibilities for decisions which are assigned by law to the entire planning board acting as body.

The three committees shall report to the full board where final actions will be taken.

Committees will consist of a minimum of three members who may be Planning Board members, Alternate members, or Citizens-at-Large. Committee members shall be appointed by the full Board for 3 year terms. Each Committee will elect its own Chairman and Clerk.

The Committee Clerks will take minutes and furnish copies to the Committee members, Planning Board Chairman, Administrator and other interested parties. The Clerks will also notice their meetings at two places such as Town Hall, at the Office of the Planning Board and at the Rye Public Library as well as post on the Town Website. The Committee Chairman will be responsible for the security of the Town Hall during meetings held after regular business hours.

3.2.1 Technical Review Committee

This Committee is responsible for reviewing all petitions for completeness and compliance with applicable regulations two weeks prior to regular Planning Board monthly meetings. The Committee will report its findings to the Planning Board Chairman and Administrator immediately with a recommendation for or against agenda inclusion at the next regular Board meeting and such other action as appropriate. Committee recommendations are advisory only and must be ratified by majority vote of the Board to have full force and effect. This Committee will also assist the Board in verifying that conditions of approval have been met before plans are signed by the Chairman. This Committee acts as liaison for the Board with the Planning Board Engineer and other technical consultants.

3.2.2 Long Range Planning Committee

This Committee is responsible for periodic updating of the Rye Master Plan and for soliciting comments and communicating effectively with the Selectmen, Boards, Commissions, Department Heads and the public in long range planning matters. The Committee will report periodically to the full Board concerning its activity and will be responsible for conducting public hearings and final formatting and publication of the updated plans and studies.

3.2.3 Rules and Regulations Committee

This Committee will be responsible for periodic updating of the Rules of Procedure, the Zoning Ordinance, the Land Development Regulations, the Flood Plain Regulations, and with the assistance of the Building Inspector, the Building Regulations. Ambiguity and lack of clarity should be eliminated where possible. The Committee will seek input from Town Department Heads, specifically including the Zoning Board of Adjustment, the Conservation Commission, Public Works, Police and Fire Department, Board of Selectmen, Water and Sewer Commissions to assist on determination of revisions of regulations and procedures. Proposed changes will be submitted to the full Board periodically and to the public. The Committee will be responsible for final formatting and publication.

Section Four: Meetings

4.1 Regular Meetings: Regular meetings shall be held in the Courtroom of the Rye Town Hall on the second Tuesday of each month in the evening. The Chairman may cancel regular meetings if there are no subdivision or site review applications pending and if, in his opinion, there is no other urgent business pending. The Board may deviate its regular meeting from the second Tuesday of a particular month for cause, such as conflicts with holidays or other meetings of local interest or an anticipated unavoidable absence of a quorum.

4.2 Other Meetings: The Board may meet at other times at its own discretion or at the call of the Chairman, provided every member has at least 24 hours notice of the meeting, excluding Sundays and legal holidays.

4.3 Public Notice: Public notice of all Board and committee meetings shall be posted at two public places, such as at the Town Hall and at the Rye Post Office at least 24 hours before the meeting, excluding Sundays and legal holidays and on the Town Website. Notice shall include agenda of said meeting.

4.4 Quorum: A quorum for all regular meetings of the Board shall be four (4) members/alternates.

4.5 Meeting Attendance: Six (6) members are elected and five (5) alternates are appointed; plus the Selectmen's representative to serve the Town diligently in all Planning Board matters. Multiple meetings and hearings are frequently required before final Board action can be taken on an application. Continuous failure by regular members as well as alternates to attend these meetings can result in serious information gaps causing an inadequate basis for decision making. In view of the ninety (90) day processing limit imposed by State Statutes, and in fairness to both the applicant and the Town, Planning Board members and alternates must be in attendance.

Chronic absence (missing 30% or more of the regular meetings/hearings in a four (4) month period without proper cause shall be handled as follows:

First Instance: A written notice of poor attendance shall be sent to the member/alternate by the Chairman.

Second instance: If the member/alternate does not resign, the Board may, upon the vote of five (5) or more members, recommend removal to the Board of Selectmen

in accordance with RSA 673:13. In addition, the Clerk shall post attendance records of each member/alternate in a public place.

4.6 Designation of Sitting Alternates: If any member of the Board is absent from any meeting or hearing or disqualifies himself from sitting on a particular matter, the Chairman shall designate one of the alternate members to sit in place of the absent or disqualified member and such alternate shall be, in all respects, a full member of the Board while so sitting. Only a duly appointed Selectmen's Alternate may sit for an absent Selectmen's representative.

4.7 Order of Business: The order of business for regular meetings shall be as follows:

- a. Call to order
- b. Designation of sitting alternates
- c. Minutes of prior meeting
- d. Public Hearings
- e. Non-Public Hearings (lot lines, conceptualls)
- f. Committee Reports
- g. Communications/miscellaneous
- h. Public comment
- i. Adjournment

4.8 Minutes: All minutes of meetings will be completed and filed with the Town Clerk within 144 hours (6 days) of the meetings. (RSA 91-A:2)

4.9 Notice of Decision: A Notice of Decision formalizing the Board's actions including any conditions of approval must be prepared, signed by the Chairman, and available for the public within 72 hours (RSA 676:3 II)

Section Five: Rules of Order

In the conduct of its meetings, the Board shall follow parliamentary procedure except that the Chairman may second and vote upon motions. For guidance, the appendices to these rules contain tables setting forth the priority of motions under parliamentary procedure and a description of some common motions and voting procedures.

Section Six: Conduct of Public Hearings

6.1 The Chairman shall call the hearing to order and inform the public of the subject matter of the hearing. He shall state, for the record, the compliance with all applicable public and or personal notice requirements. He shall summarize the Board's public hearing guidelines, which are part of the appendices to these rules (Appendix D).

6.2 For hearings of applications, the applicant or designee shall be requested to present his plan and explain it to all present.

6.3 As applicable, the Board's Technical Review Committee and the Planning Board Engineer and/or Consultants should give their report on the subject matter of the hearing.

6.4 Board members may ask questions at any point during the hearings.

6.5 Public Testimony

- a. Each person who speaks shall be required to state his name and address.
- b. For hearings on applications, each person who speaks shall state his interest in the application. In accordance with NH RSA 676:4 I9e) the Board may limit testimony at hearings on applications to applicants, abutters and persons with a direct interest.
- c. The Chairman shall first ask for questions from the public about the subject matter of the hearing. All questions shall be addressed through the Chairman.
- d. The Chairman shall next ask for statements from those against the application of the proposal being considered.
- e. The Chairman shall next ask for statements from those in favor of the application or proposal being considered.
- f. The Chairman shall then permit rebuttal testimony in the order set forth above, beginning with the applicant.

6.6 The Chairman may adjourn the public hearing when there is no further testimony from the public, when the public is out of order, or when the testimony has become unduly repetitive.

6.7 By majority vote of those present, the Board may continue a hearing to another specific time, date and place.

Section Seven: Conflict of Interest

7.1 Conflicts of interest shall be governed by RSA 673:14, which is attached to these rules. Any applicant, abutter or interested party may raise a conflict of interest question to the Board, in which case the procedure of RSA 673:14 shall be followed.

Section Eight: Filling Board Vacancies

8.1 Elected Members: The Planning Board shall appoint someone to fill a vacant elected position on the Board for a period until the next municipal election, at which time, someone shall be elected to fill the unexpired term or start a new term, as appropriate. Consideration shall be given to alternate members.

8.2 Alternate Members: The Planning Board, which under RSA 673:6 II is the appointing authority for alternate members, shall appoint someone to fill a vacant alternate position on the Board for the unexpired term.

Section Nine: Removal of Members

9.1 Removal must follow RSA 673:13

Section Ten: Amendments

10.1 Amendments to these rules are to be prepared by the Rules, Regulations Committee and may be proposed by motion at a regular meeting of the full Board. Said motion, if seconded, shall automatically be tabled until the next regular meeting, and all members shall be notified of the pending motion.

10.2 Enactment: Amendments may be enacted upon the affirmative vote of five (5) of the seven (7) members of the Board. Alternates shall not vote on proposed amendments, but they may participate in the discussion of proposed amendments.

Addendum to Section 7:

673:14 Disqualification of Member

I. No member of a zoning board of adjustment, building code board of appeals, planning board, heritage commission, or historic district commission shall participate in deciding or shall sit upon the hearing of any question which the board is to decide in a judicial capacity if that new member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, 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 do not include exemption from service as a juror or knowledge of the facts involved gained in the performance of the member's official duties.

II. When uncertainty arises as to the application of paragraph I to a board member in particular circumstances, the board shall, upon the request of that member or another member of the board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding, and may not be requested by persons other than board members, except as provided by local ordinance or by a procedural rule adopted under RSA 676:1.

III. If a member is disqualified or unable to act in any particular case pending before the board, the chairperson shall designate an alternate to act in the member's place, as provided in RSA 673:11.

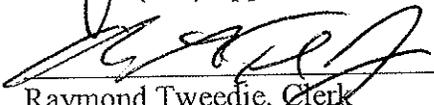
SIGNATURE PAGE FOLLOWS

RULES OF PROCEDURE

These Rules of Procedure will be enacted (as amended) by affirmation vote of the Rye Planning Board on Tuesday, August 14, 2012



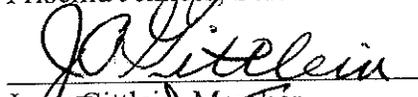
William (Bill) Epperson, Chairman



Raymond Tweedie, Clerk



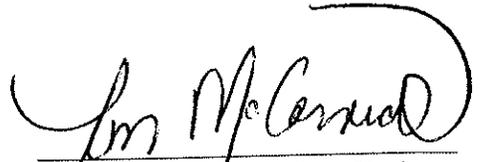
Priscilla Jenness, Selectmen's Rep



Jerry Gittlein, Member



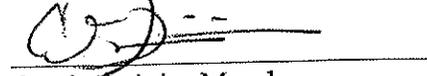
Phil Winslow, Alternate Member



Tom McCormick, Vice-Chairman



Melvin R. Low, Member



Curtis Boivin, Member



Keri Roman, Alternate Member
