



## PLANNING BOARD OPERATING RULES

Proposed Revision Created April 13, 2017

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### Article I. Name

The name of the committee is the Dover Planning Board.

### Article II. Authority and Duties

The authority and duties of the Planning Board shall comply with RSA 672-677 and Chapter 41.

### Article III. Membership

#### A. Membership.

1. The Planning Board consists of nine (9) regular members and three (3) alternate members.
2. Three (3) regular members are ex-officio members. The ex-officio members are the City Manager or the City Manager's designee, an administrative official of the City selected by the City Manager, 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 seat held by the City Council member. Alternates shall be called to sit using a sequential rotation system.
4. Alternate members shall be allowed to participate in meetings as non-voting members, including discussions.
5. Only voting members shall be seated at the table.
6. 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 and until a successor shall have been 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 Board shall consist of a Chair and Vice Chair who shall be elected by all Members of the 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.

C. **Vice Chair.** The Vice Chair during the absence of the Chair shall perform all the duties of the Chair. In the absence of both Chair and Vice Chair, the members present at a regular or special meeting shall select a temporary Chair to fulfill all of the duties of the Presiding Officer.

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D. **Secretary.** The Secretary shall be provided by and selected by the Planning Director.

E. **Staff.** The City of Dover may provide staff support to the committee for meeting notification, typing, copying, and information gathering to the extent permitted by the city budget. All staff shall remain under the direction of the employer.

#### Article V. Election of Officers.

1. An annual meeting to elect officers by written ballot shall be held on the first meeting of January.
2. Candidates for any office shall be elected by a majority vote of the membership of the Planning Board. The elected candidates shall take office immediately.
3. Vacancies in offices shall be filled at the next regular meeting using the regular election procedure.

#### Article VI. Procedures

- A. **Regular Meetings and Workshops.** The Planning Board shall meet on the second and fourth Tuesday of each month at 7:00 p.m. in the City Council Chambers.
- 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 Schedule.** Members shall be notified by the Chair, Vice Chair or Planning Director by e-mail at least four (4) hours in advance or by telephone if less than four (4) hours in the event of a cancellation or change to the meeting schedule.
- 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> ed., or duly published successor edition*, except as provided by these rules or local, state or federal law.
- F. **Quorum.** A quorum shall consist of five (5) members. In the absence of a quorum at a regular or properly called meeting, the meeting shall be considered adjourned and rescheduled by the Chair or Presiding Officer.
- G. **Order of Business.** Business at regular or special meetings shall be taken up in the sequence of the posted agenda. The Presiding Officer, or any voting member, may request that an agenda item be reordered. The voting members shall by majority vote approve or reject any such request.
- H. **Conflicts of Interest.** Planning Board Members with a direct personal or pecuniary interest in a matter before the Planning Board, shall not introduce, speak or vote on any motion, ordinance or resolution. The Chair shall fill the open seat of a member who has declared a conflict of interest with an alternate member except the seat held by the City Councilor ex-officio member.
- I. **Procedure.** Actions shall be taken on the basis of a motion duly seconded made by any member of the 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

therefore, and at the request of any member, the Chair shall call for a recorded roll call vote on any issue.

- J. **Minutes.** Minutes shall be kept for all meetings of the board. The minutes shall include the names of the members in attendance, all actions, motions and resolutions coming before the public body including the votes of the members, and a summary of all discussions. Draft minutes shall be provided to the City Clerk within five (5) business days of each meeting for posting on the city website in draft form. Draft minutes shall be clearly marked "DRAFT". Draft minutes with or without revisions shall be approved by the committee at the next meeting of the committee, or as soon as possible. Final approved minutes shall be provided to the City Clerk for posting on the city website.
- K. **Recording of Meetings.** The committee shall arrange for video recording of all meetings. If video is not available, meetings shall be recorded using audio equipment. All recordings shall be provided to the City Clerk within five (5) business days of the meeting.
- L. **E-mail accounts.** Board members may obtain a City of Dover e-mail address to facilitate communications regarding meetings, agendas and the dissemination of information. 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 committee. In addition, committee members shall refrain from conducting the official business of the committee outside the view of the public and the press unless permitted by state law.
- M. **Nonpublic meetings.** The committee may conduct nonpublic meetings pursuant to the laws of the State of New Hampshire. The Chair shall conduct nonpublic meetings utilizing the Checklist prepared by General Legal Counsel for nonpublic meetings.

~~N. **Amendment of Rules.** These rules may be repealed or amended by a vote of the Dover City Council based upon the recommendation of the committee.~~

#### Article VII. Committees

Special purpose and study committees as the Planning Board may from time to time deem necessary in order to conduct its business, shall be appointed by the Chair and any such committees shall cease to exist when their final report is acted upon by the Planning Board or at the next annual organizational meeting, whichever is sooner.

#### Article VIII. Citizen Forum

- A. To encourage and allow ongoing input and feedback from citizens, Regular meetings shall include an opportunity for citizens to address the Planning Board on any items not having a public hearing and/or matters pertaining to the business of the Planning Board on the agenda.
  - i. Speakers shall be residents of the City of Dover, property owners in the City of Dover, and/or designated representatives of recognized civic organizations or businesses located in the City of Dover or by a interested party if allowed by a two-thirds (2/3) vote of the sitting Board;
  - ii. Speakers shall address their comments to the Chair or Presiding Officer and the Planning Board as a body and not to any individual member;
  - iii. Speakers shall first recite their name and address for the record;
  - iv. Each speaker shall be provided a single opportunity for comment, limited to five (5) minutes with the five (5) minutes beginning after the obligatory statement of name and address by the speaker. The Chair (or designee) will keep time;
  - v. Speakers requiring more than the allotted time are encouraged to submit their comments in writing to the Chair or Presiding Officer at the conclusion of their remarks to be available for review at the Planning Office;
  - vi. Citizen Forum shall not be a two-way dialogue between speaker(s), Planning Board member(s), and/or City Staff;

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vii. The Chair or Presiding Officer shall preserve strict order and decorum for and by all speakers appearing before the Board.

**Article ~~IXV~~ Public Hearings**

A. To receive citizen input and feedback on certain specific matters that have been placed on the meeting agenda for consideration and action by the Planning Board, Public Hearing will be scheduled and held as required by law. Public Hearings will be noticed and held during a subsequent Regular and/or Special Meeting. At the request of the Chair or Presiding Officer, items scheduled on an agenda for a public hearing will be briefly introduced with appropriate explanations by staff. Citizens will then have the opportunity to address the Board speaking to specific item(s) subject to public hearing.

i. All speakers shall be residents of the City of Dover, property owners in the City of Dover or ABUTTERS in a neighboring community, and/or designated representatives of recognized civic organizations or businesses located in the City of Dover or by a interested party if allowed by a two-thirds (2/3) vote of the sitting Board;

ii. All speakers shall address their comments to the Chair or Presiding Officer and the Board, as a body and not to any individual member;

iii. Speakers shall first recite their name and address for the record;

iv. For each public hearing item, a speaker shall be provided a single opportunity for comment, limited to five (5) minutes. The Chair (or designee) will keep time;

v. Speakers requiring more than the allotted time are encouraged to submit their comments in writing to the Chair or Presiding Officer at the conclusion of their remarks to be available for review at the Planning office;

vi. Public Hearings are not intended to be utilized for a two-way dialogue between speaker(s), Board Member(s), and/or City Staff;

vii. The Chair or Presiding Officer shall preserve strict order and decorum for and by all speakers appearing before the Board;

viii. Any correspondence received by the Chair and/or members of the Planning Board pertaining to a public hearing agenda item may be acknowledged at the time of the public hearing and be available for review at the Planning office;

ix. 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 a continuation, additional notice is not required if the date, time and place of the continuation is made known at adjournment.

C. ~~During the presentation~~After the Public Hearing, members of the Planning Board may ask questions of the Applicant or Speaker when recognized by the Chair or Presiding Officer.

A. ~~The Chair or the Presiding Officer shall call the hearing into session and identify the name and address of the Applicant or Speaker.~~

B. ~~During the presentation, members of the Planning Board may ask questions of the Applicant or Speaker when recognized by the Chair or Presiding Officer.~~

C. ~~An Applicant or Speaker wishing to ask a question of another party must first be recognized by the Chair or Presiding Officer.~~

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- ~~D. 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.~~
- ~~E. 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.~~
- ~~F. Other interested parties such as representatives of City Departments, Boards or Commissions shall be allowed to present their comments in person or in writing.~~
- ~~G. 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 at 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, I(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. Amendments**

- A. The Dover Planning Board may suspend any of these rules by a two-thirds (2/3) majority of voting 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. Amendments presented at any regular or special meeting may not be voted upon until the next regular meeting.