



RULES OF PROCEDURE

PLANNING BOARD

TOWN OF LONDONDERRY, NH

1. AUTHORITY

- 1.1. These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (**RSA**) **676:1**.

2. MEMBERS

- 2.1. Per the Londonderry, NH Town Charter (Article 9, Section 1, A): The Planning Board shall consist of nine (9) members, of whom six (6) are appointed and three (3) are ex officio. The six (6) appointed members shall be appointed by the Town Council for terms of three (3) years, except that initial appointments shall be staggered so that no more than two (2) appointed members shall have terms that expire in a single year. The three (3) ex officio members shall consist of the Town Manager, or his/her designee, an administrative officer of the Town designated by the Manager, and a Councilor designated by the Council for a one year term. There shall also be three (3) alternate appointed members appointed in the same way as regular appointed members, except no more than one alternate appointed member's term shall expire in a single year.
- 2.2. Selection, qualification, term, removal of members, and filling of vacancies shall conform to **RSA 673**.
- 2.3. Alternate members may serve on the Planning Board as authorized by **RSA 673:6**. Alternate members should attend all meetings to familiarize themselves with the workings of the board to stand ready to serve whenever a regular member of the board is unable to fulfill his/her responsibilities. Alternate members shall participate in all meetings and deliberations of the board, excluding voting (unless appointed to vote in the place of a regular member as appointed at the meeting by the Chair).
- 2.4. Each newly appointed (including re-appointed) member shall be sworn in and take an oath of office as required by **RSA 42:1**.

3. OFFICERS

- 3.1. The officers of the Board shall be as follows:
 - 3.1.1 Chairman: The Chairman shall preside over all meetings and hearings; shall prepare, with the assistance of the Secretary, an annual report; and shall perform other duties customary to the office.
 - 3.1.2 Vice-Chairman: The Vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters that come before the Board in the absence of the Chairman.
 - 3.1.3. Secretary: The Secretary shall keep a full and accurate record of the proceedings of each meeting; issue notices of all meetings; record the names of the members present; notify applicants and abutters of hearings; and prepare such correspondence and fulfill such duties as the Chairman may specify.
 - 3.1.4. Assistant Secretary: Serves in the absence of the Secretary, performing all roles of the Secretary.
- 3.2 The officers of the Board shall be elected annually during the month of March after the annual Town elections by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot.
- 3.3 The Board shall appoint regular members as liaisons to Boards and Commissions, by majority vote as needed. Both regular members and alternates may be appointed to Committees and Ad-Hoc Committees, by majority vote as needed.

4. MEETINGS

- 4.1. Meetings shall be held on the 1st and 2nd Wednesday of each month at 7PM in the Moose Hill Chambers at Town Hall.
- ~~4.2. Regular meetings shall be held at least monthly at Town Hall at 7PM on the first Wednesday of each month.~~
- ~~4.3. Workshop meetings shall be held at least monthly at Town Hall at 7PM on the second Wednesday of each month.~~
- 4.4. Special meetings may be called by the Chairman or in her/his absence, by the Vice-Chairman, or at the request of three regular members of the Board provided public notice and notice to each member is given at least 48 hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting.
- 4.5. Nonpublic Sessions shall be held only in accordance with **RSA 91-A:3**.

- 4.5 Quorum: A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular members. A quorum is necessary for the Board to take any action. If any regular Board member is absent from a meeting or hearing, or disqualifies her/himself from sitting on a particular application, the Chairman shall designate one of the alternate members 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; the regular member does not vote on that matter.
- 4.6. Disqualification: If any member finds it necessary to be disqualified from sitting on a particular case, as provided in **RSA 673:14**, he or she shall notify the Chairman as soon as possible so that an alternate may be requested to fill the place. The disqualification shall be announced by either the Chairman or the member before the discussion or the public hearing on the application begins. The member disqualified shall leave the Board table during the public hearing and all deliberations, but may remain in the audience as a member of the public. If uncertainty arises as to whether a Board member should disqualify her/himself, on the request of that member or the request of another member of the Board, the Board shall vote on the question of whether that member should be disqualified. Such request and vote shall be made prior to or at the commencement of any required public hearing. A vote on a question of disqualification shall be advisory and non-binding, and may not be requested by persons other than board members.
- 4.7. Order of Business for **Regular** Meetings shall be as follows:
- 4.7.1. Call to order by Chairman
 - 4.7.2. Administrative Board Work
 - ~~4.7.2.1. Approval of previous month's minutes.~~
 - ~~4.7.2.2. Signing of plans for final approval~~
 - ~~4.7.2.3. Extension requests~~
 - ~~4.7.2.4. Voluntary Mergers~~
 - 4.2.7.4. Consent Agenda
 - 4.2.7.5. Discussions with Town Staff
 - 4.7.3. Application Acceptance and Public Hearings on new Subdivision & Site Plans.
 - 4.7.4. Continued Public Hearings.
 - 4.7.5. Public Hearings on Ordinance/Regulation Amendments or Re-Zonings.
 - 4.7.6. Work sessions (Workshops)
 - 4.7.7. Conceptual Designs
 - 4.7.8. Other Business
 - 4.7.9. Public Comment

4.7.10. Adjournment

~~4.8. Order of Business for Workshop Meetings shall be as follows:~~

~~4.8.1. Call to order by Chairman~~

~~4.8.2. Administrative Board Work~~

~~4.8.2.1. Approval of previous month's minutes.~~

~~4.8.2.2. Signing of plans for final approval~~

~~4.8.2.3. Extension Requests~~

~~4.8.7.4. Voluntary Mergers~~

~~4.8.7.5. Discussions with Town Staff~~

~~4.8.3. Public Hearings on Ordinance/Regulation Amendments or Re-Zonings, Conceptual Discussions, Workshops, Continued Public Hearings for Subdivision & Site Plan Applications.~~

~~4.8.4. Other Business~~

~~4.8.5. Adjournment~~

4.9. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the voting members present. Voting shall be by voice vote, unless the chair specifically requests a roll call, which shall be recorded in the minutes.

5. ADMINISTRATIVE BOARD WORK

5.1. Consent Agenda

5.1.1. The Planning Board may include a Consent Agenda as part of any regular meeting agenda. The purpose of the Consent Agenda is to consolidate multiple routine, procedural decisions, and decisions that are likely to be noncontroversial (such as Regional Impact Determinations, conditional approval extension requests, actions regarding performance or maintenance bonds, or other similar procedural processes), in a single vote by the members of the Board.

The Consent Agenda shall operate in accordance with the following:

- The items that are to be included in the Consent Agenda must be submitted to the Planning Department meeting in accordance with any applicable deadlines to be posted in the published agenda of the meeting.
- The posted meeting agenda shall list all items that are to be considered as part of the Consent Agenda.
- The list and supporting documents for Consent Agenda items shall be included in the Board's meeting packets in sufficient time to be read by all members prior to the meeting.
- There is no public testimony or discussion regarding any items in the Consent Agenda, unless removed from the Consent Agenda by a member of the Board, in accordance with item 6 below.
- All items in the Consent Agenda shall be acted on by a single motion, second, and vote of the Board.
- Removal of Item from Consent Agenda: Any item on the Consent Agenda can be removed from the Consent Agenda if any Board

member so requests, with no vote of the Board required. Members may request that an item be removed for any reason (they may wish, for example, to discuss the item, to query the item, or to register a vote against the item). After an item is removed, the Board shall act separately on the item with opportunity for discussion.

- The meeting minutes shall include sufficient detail of each item on the Consent Agenda that was acted upon.

6. APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW

- 6.1. All applications for subdivision approval and site plan approval shall be carried out as outlined in Section 2 of both the Londonderry Subdivision Regulations and Londonderry Site Plan Regulations.

7. PUBLIC HEARINGS

The conduct of public hearings shall be governed by the following rules:

- 7.1. The Chairman shall call the hearing in session and read the application information into the record.
- 7.2. The applicant, or his/her representative will present the application to the Planning Board
- 7.3. Members of the Board may ask questions at any point during the presentation.
- 7.4. The Town staff will present any comments or recommendations to the Board.
- 7.5. Any applicant, any abutter or any person with an interest in the matter may testify in person or in writing.
- 7.6. Any party to the matter who desires to ask a question of another party must go through the Chairman.
- 7.7. Each person who speaks shall be required to state her/his name and address for the record.
- 7.8. The Board makes any appropriate motions regarding waivers requested, or Conditional Use Permits requested.
- 7.9. The Board makes any appropriate motions regarding conditional approval, denial, or continuance of the application.
- 7.10. The Chairman shall indicate whether the hearing is closed or continued pending the submission of additional material or information or the correction of noted deficiencies. In the case of a continuance, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

8. WORK SESSIONS (WORKSHOPS)

Work sessions (workshops) are designed to allow the Planning Board to form a consensus on what to bring forward to a public hearing. Work sessions (workshops) do not require public notice, as they are not a public hearing.

The Conduct of work sessions (workshops) shall be governed by the following rules:

- 8.1. The Chairman shall call the work session (workshop) to session.
- 8.2. Town staff, or their representatives, shall present to the board.
- 8.3. Members of the board may ask questions at any point during the presentation.
- 8.4. The Town staff will present any comments or recommendations to the Board.
- 8.5. Public comment will not be solicited during work sessions (workshops)
- 8.6. A consensus will be formed on whether to bring the items presented during the work session (workshop) to a public hearing.

9. CONCEPTUAL DISCUSSIONS

Conceptual discussions are designed to allow an applicant to present a conceptual rendering of a potential plan to the planning board to allow the opportunity to receive feedback on their renderings, prior to entering into formal review.

The Conduct of Conceptual Discussions shall be governed by the following rules:

- 9.1. The Chairman shall call the Conceptual Discussion to session.
- 9.2. The applicant shall present to the board.
- 9.3. Members of the board may ask questions at any point during the presentation.
- 9.4. The Town staff will present any comments or recommendations to the Board.
- 9.5. Public comment will not be solicited during Conceptual Discussions.
- 9.6. Feedback will be given to the applicant on their rendering.

10. DECISIONS

- 10.1. The Board shall render a written decision within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in **RSA 676:4**.
- 10.2. Notice of decision will be made available for public inspection at the Planning Department within 72 hours after the decision is made as required in **RSA 676:3**. If the application is disapproved, the Board shall provide the applicant with written reason for this disapproval.
- 10.3. Plans approved for signature (and recording as appropriate) or conditionally

approved as stated above, shall be signed by the Planning Board chair and Planning Board secretary or their designees, who shall be regular members of the Planning Board. Designees shall be appointed annually at the same meeting in the month of March as the election of officers.

11. RECORDS

- 11.1. The records of the Board shall be kept by the Secretary and shall be made available for public inspection at the Planning Department as required by **RSA 676:3,11**.
- 11.2. Minutes of the meetings including the names of Board members, staff members present, persons appearing before the Board, a brief description of the subject matter, all decisions made (including the vote tally for each motion), and shall be open to public inspection within 5 business days after the public meeting as required in **RSA 91-A:2 ,II**.

12. PUBLIC COMMENT

- 12.1. Prior to Adjournment public comment may be allowed for 20 minutes.
- 12.2. All speakers shall provide their name and address and direct their comments to the board.
- 12.3. There shall be a time limit for each individual speaker of 5 minutes.
- 12.4. Speakers are not permitted to donate time to other speakers.
- 12.5. During "public comment," speakers are required to limit their comments to matters of public concern, relating to the Planning Board.
- 12.6. The following conduct is strictly prohibited:
 - 12.6.1. Using profanity or vulgar language or gestures;
 - 12.6.2. Using language which is likely to lead to a disturbance or disorder, because it insults or demeans any person or applicant.
 - 12.6.3. Interrupting other speakers or engaging in behavior that disrupts the meeting including but not limited to applause, cheers, jeers, etc.;
 - 12.6.4. Engaging in behavior that threatens or intimidates others; or
 - 12.6.5. Addressing the Board on issues that do not concern The Planning Board

13. JOINT MEETINGS AND HEARINGS

- 13.1. The Planning Board may hold joint meetings and hearings with other “land use boards” including the Zoning Board of Adjustment and the Heritage/Historic District Commission. Each board shall have discretion whether or not to hold such joint meeting or hearing (**RSA 676:2**).
- 13.2. Joint business meetings with another local land use board may be held at any time when called jointly by the chairmen of the two boards.
- 13.3. A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibilities of the boards convened.
- 13.4. The Planning Board chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
- 13.5. The rules of procedure for joint meetings and hearings, the subject matter of which involves the Planning Board, shall be the same as these rules of procedure except that the order of business shall be as follows:
 - 13.5.1. Call to order by Chairman
 - 13.5.2. Introduction of members of both boards by Chairman
 - 13.5.3. Explanation of reason for joint meeting/hearing by Chairman
 - 13.5.4. In the case of a public hearing relative to a requested permit, a site plan or an application for a subdivision approval, or all three, the applicant shall be called to present his proposal.
 - 13.5.5. Adjournment
- 13.6. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

14. PUBLIC RELATIONS

- 14.1. The Chair or a duly appointed board member or staff personnel may be authorized by the board to act as the principal public relations contact for the board. Duties shall be as prescribed by the board

15. AMENDMENT

- 15.1. These rules of procedure may be amended by a **roll call** majority vote of the members of the Board provided that such amendment is read at two (2) successive meetings immediately preceding the meeting at which the vote is to be taken. The amended procedures shall be filed with the Town Clerk.

16. PLANNING BOARD ADOPTION

These Rules of Procedure, having been duly read at two (2) consecutive Planning Board Meetings as required by Section 10.1, are hereby adopted by a vote of the Planning Board on this day of _____.

Signed

Chair

Secretary

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2
3 **LONDONDERRY, NH PLANNING BOARD**
4 **MINUTES OF THE NON PUBLIC December 6, 2023**

5
6 **CALL TO ORDER**

7
8 **Members Present:** Art Rugg, Chair; Al Sypek, Vice Chair; Jake Butler, Secretary;
9 Lynn Wiles, Assistant Secretary; Ann Chiampa, member; Jeff Penta, member; Ted
10 Combes; Town Council Ex-Officio; Bruce Hallowell Ex-Officio; Jason Knights,
11 alternate member; Roger Fillio, alternate member; Tony DeFrancesco, alternate
12 member.

13
14 **Also Present:** Kellie Caron, Assistant Town Manager/Director of Economic
15 Development and Benjamin Bennett, Town Planner
16

17
18 **DISCUSSION**

19
20 Kellie Caron started off the meeting by informing the board she would be reviewing
21 legal advice from the town attorney, Megan Carrier. A copy of the letter was
22 handed out to each member of the board for their review.
23

24 Kellie Caron informed the board that the letter from Megan Carrier, dated
25 November 20, 2023, was with regards to adding public comment to the Planning
26 Board Rules of Procedure. Kellie reminded the board that the letter was attorney
27 client privilege.
28

29 Kellie Caron informed the board the letter advises against allowing public comment
30 at not only the Planning board, but the ZBA, Conservation Commission, as well as
31 the Heritage Commission. Kellie then read out loud the 4 reasons with explanations
32 why Attorney Carrier advised against public comment in her letter dated November
33 20, 2023.
34

35 Chairman Rugg noted that in general, it was not advisable in land use boards.
36

37 Bruce Hallowell asked if this was just with regards to adding a section that allows
38 public comment.
39

40 Kellie Caron responded that this was just for public comment separate from
41 comment during a public hearing.
42

43 Lynn Wiles ask to confirm that this included Conservation Commission, Heritage
44 Commission, and ZBA.
45

46 Chairman Rugg confirmed he was correct.
47

48 Kellie Caron discussed that the intent of a work session is, so the board has an
49 opportunity to form a consensus to bring an item to a public hearing.

50
51 Chairman Rugg said a member of the public could ask to be part of the agenda for
52 the board. Kellie disagrees and comments that this issue had come across at the
53 Conservation Commission, and they were advised against it.

54
55 Councilor Combes states that they should be directed to the Town Council, where
56 Public Comment is permitted.

57
58 Jeff Penta asks about members of the public emailing the board, and if the board
59 should respond.

60
61 Kellie Caron reminded Jeff that we could only discuss the letter from the Attorney.

62
63 Ann Chiampa asks if we could allow public comment from a member of another
64 board or commission that is in the audience as they are a Public Official.

65
66 Tony DeFrancesco asks what about the Chairman of the Town Council?

67
68 Kellie Caron says the Chairman of The Planning Board can exercise their judgement
69 with Public Officials. She states that "At the end of the day, its at the discretion of
70 the chair, but Attorney Carrier does advise against it."

71
72 Kellie Caron asks the board if they have any more questions, and there were none.

73
74
75

76 **The Non-Public meeting adjourned at approximately 7:20 p.m.**

77
78 These minutes were prepared by Jake Butler.

79
80 Respectfully submitted,

81
82 _____

83
84 Name: Jake Butler

85 Title: Secretary

86
87 These minutes were accepted and approved on _____ by a motion made by
88 _____ and seconded by _____.