



KEENE PLANNING BOARD

Rules of Procedure

Adopted August 22, 2022

1. Authority, Adoption, & Amendment

- 1.1. *Authority.* These Rules of Procedure for the City of Keene Planning Board (“Rules”) are adopted under the authority of New Hampshire Revised Statutes Annotated (“RSA”), 676:1, and may be amended from time to time. These Rules supplement the application procedures set forth in Article 25 of the Keene Land Development Code.
- 1.2. *Adoption.* The Keene Planning Board Rules of Procedure shall be adopted by a simple majority vote of all Planning Board members at a regular meeting of the Board. The Rules of Procedure shall be effective upon adoption and when the Rules have been signed by a simple majority of the Planning Board and placed on file with the City Clerk for public inspection.
- 1.3. *Amendment.* The Keene Planning Board Rules of Procedure may be amended in the same manner as the initial adoption.

2. Membership

- 2.1. *Membership.* In accordance with state law, the Keene Planning Board (“Board”) shall be composed of nine members. One of the members of the Board shall be the Mayor or the Mayor’s designee, one of the members shall be an administrative official appointed by the Mayor, one of the members shall be a member of City Council selected by the Council, and the remaining six members of the Board shall be appointed by the Mayor.
- 2.2. *Terms of Office.*
 - 2.2.1. All regular Board members and alternates shall be appointed for terms of three years. The terms of office shall commence on the first secular day of January and end on the last secular day of December three (3) years subsequent. Regular members may not serve for more than two consecutive terms, either full or partial, except that partial terms shall only count toward this term limit if they are more than 18 months in duration. The terms of office shall continue until successors have been appointed and qualified.
 - 2.2.2. The terms of ex-officio members shall correspond with and terminate with the term of the mayor that appointed them. Ex-officio members shall not be held to the limitation of two consecutive terms.

- 2.3. *Alternate Members.* In accordance with RSA 673:6, up to five alternate members may be appointed by the Mayor. Alternate members may participate in meetings of the Board as a nonvoting member.
- 2.4. *Vacancies.* Vacancies in membership shall be filled by appointment of the Mayor for the unexpired balance of the term.
- 2.5. *Officers.* The Board shall elect by majority vote a Chair and Vice Chair on the first meeting of the new calendar year. It shall be the responsibility of the Chair to preside over all meetings and hearings, appoint Planning Board members to committees and groups as directed by the Board, represent the Board before other bodies, and to undertake such other duties as may be asked by the Board. It shall further be the duty of the Chair to officially sign all subdivisions, site plans, and permits approved by the Board. The Vice-Chair shall preside in the absence of the Chair and shall have the full powers of the Chair on matters that come before the Board during the absence of the Chair.

3. Steering Committee & Subcommittees

- 3.1. *Steering Committee.* The Planning Board Steering Committee shall be comprised of the Chair, Vice Chair, and a third member that shall be elected annually by a majority vote of the Board at the first meeting of the new calendar year. It shall be the responsibility of the Steering Committee to consult with and advise the Community Development Director or their designee regarding the Planning Board's agenda and formal Planning Board site visits in connection with any application before the Board. The Steering Committee meeting schedule shall be adopted at the first meeting of the new calendar year, and may be modified from time to time.
- 3.2. *Subcommittees.* The Board may create subcommittees as necessary to assist in its operations, which shall be advisory to the Board. Subcommittees shall be created by vote of the Board for a stated purpose, identifying the specific Board members appointed, with the purpose and membership included in the minutes of the Board. Non-Board members shall not be appointed to subcommittees. Subcommittees are public bodies under RSA 91-A, and are subject to all of the requirements applicable to the Board under the foregoing Rules of Procedure, including prior public notice of meeting dates, times and meeting locations which are accessible to the public, and keeping and submitting appropriate minutes within the time periods stated above.

4. Meetings

- 4.1. *Regular Meetings.* The Board shall normally hold a regulatory meeting each month. At the first meeting of each new calendar year, the Board shall establish a calendar of meetings which may be modified from time to time. The Board may hold such other meetings or workshops as it deems necessary and appropriate. The meetings of the Board shall normally be conducted in accordance with Roberts Rules of Order, unless otherwise stipulated or agreed upon by the Board. Regulatory matters such as subdivisions, site plans, permit applications, and driveway applications shall be

considered by the Board in accordance with specific Board regulations regarding those matters.

- 4.2. *Non-Public Session.* The Board may not enter a non-public session without prior notice to, and the presence of, City Staff at the meeting. In the event of a requirement to enter into non-public session, a majority of members present at a Board meeting may, by roll call, vote to go into non-public session in accordance with RSA 91-A:3. The motion shall state the specific statutory basis relied upon for the non-public session. All persons who are not Board members qualified to participate in the discussion shall leave the meeting, unless specifically requested to remain. No action or decision with respect to the matter shall be taken in non-public session. Minutes of the non-public sessions shall be taken and the minutes shall be publicly disclosed within seventy-two (72) hours unless, by recorded vote of two-thirds (2/3) of the members present, the minutes are sealed in accordance with RSA 91-A:3. For all meetings held in nonpublic session, where the minutes or decisions were determined to not be subject to full public disclosure, a list of such minutes or decisions shall be kept and this list shall be made available as soon as practicable for public disclosure. This list shall identify the public body and include the date and time of the meeting in nonpublic session, the specific exemption which is relied upon as foundation for the nonpublic session, the date of the decision to withhold the minutes or decisions from public disclosure, and the date of any subsequent decision, if any, to make the minutes or decisions available for public disclosure.
- 4.3. *Agenda.* The meeting agenda shall be prepared by the Community Development Director or their designee (“Director”) in consultation with the Steering Committee or the Chair. Items to be placed on the meeting agenda must be received by the Director a minimum of five (5) business days prior to the scheduled meeting. No subject matter that is not on the agenda shall be discussed at the meeting, but shall be referenced under New Business and shall be placed on the agenda for discussion at the next regular meeting.
- 4.4. *Quorum.* A quorum shall consist of five members, including alternates sitting in place of regular members. Board business shall not be conducted in the absence of a quorum. Whenever a regular Planning Board member is absent or disqualified, the Chair shall designate an alternate to act in the absent or disqualified member’s place; except that only the alternate designated for the City Council shall serve in place of that member.
- 4.5. *Remote Participation.* A Board member may participate by telephone or other electronic communication (“remotely”) with the approval of the Board when the member’s attendance is not reasonably practical, the reason for absence is stated in the minutes, the remote member states where they are physically located, and who is present in that location with them. All participants, including the public, must be able to hear, read and discern the meeting discussion. Members participating remotely may vote, but shall not count toward quorum. All votes must be taken by roll call. The Presiding Officer shall be physically present at the meeting location specified in the meeting notice.
- 4.6. *Order of Business.* The business of all regular meetings of the Keene Planning Board shall be transacted in the following order: (1) call to order; (2) roll call of attendance; (3) acceptance of minutes of the preceding meeting; (4) non-binding consultations, final votes on conditionally approved applications, application reviews, public hearings,

discussions, and decisions; (5) reports and other business, including requests for advice and consideration; (6) new business; and (7) adjournment. The Chair of the Planning Board may permit any item of business to be taken out of order unless there is an objection by a Board member, in which case such item of business may be taken out of order only by a majority vote.

- 4.7. *Presiding Officer.* The Chair shall preside over the meeting and call the members to order. In case of absence of the Chair, if a quorum is determined to be present, the Board shall proceed with the Vice-Chair acting as the presiding officer. In case of absence of both the Chair and Vice Chair, if a quorum is determined to be present, the Board shall proceed to elect a Board member, by majority vote of those present, as Temporary Chair of the meeting until the Chair or Vice Chair appears.
- 4.8. *Right of Floor.* The Chair or Presiding Officer shall control the meeting. When recognized by the Chair, a member of the Board, applicant, or member of the public, shall respectfully address the members of the Board and shall confine themselves to the question under debate, avoid personal comments, and refrain from impugning the motives of any other individual's argument or vote. The Chair shall act on all proper motions for which there is a second.

5. Motions, Voting, & Conflict of Interest

- 5.1. *Motions in General.* Unless otherwise indicated in these Rules of Procedure, a motion that is duly seconded shall be carried when a simple majority of Commission members present vote in the affirmative.
- 5.2. *Tie Vote.* In case of a tie vote on any motion or recommendation, said motion or recommendation shall be deemed defeated.
- 5.3. *Conflict of Interest.* A member of the Planning Board shall not participate in deciding nor shall they sit upon the hearing of any question which the Board is to decide in a quasi-judicial capacity if that 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.

When uncertainty arises as to the application of the above standard 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.

If a member is disqualified or is unable to act in any particular case pending before the Board, the Chair shall designate an alternate to act in the member's place.

6. Records, Communications, & Board Conduct

- 6.1. *Minutes.* Minutes of all Board meetings shall be kept in accordance with RSA 91-A:2. The official minutes of the Board shall be those minutes, which are in writing, which have been reviewed and voted upon and approved by a majority of the Board. Once approved, meeting minutes shall be immediately filed with the City Clerk. Any recordings of Board meetings are for administrative convenience only, and are not the official minutes of the Board.
- 6.2. *Correspondence.* All correspondence shall be addressed to the Chair. The Board shall only accept, introduce, place on the Agenda, and/or act upon written correspondence by applicants, representatives or agents of applicants, abutters, and other parties that are signed by the drafter or representative or agent of the drafter. The correspondence must provide the mailing address and residential/commercial address, if different, of the drafter or drafter's agent or representative. Correspondence addressed to Planning Board members that are of a personal or argumentative nature shall not be accepted, introduced, or acted upon by the Board. Any correspondence directly to a member of the Board relating to a matter before the Board must be provided to the Staff Liaison for compliance with this paragraph and for inclusion in the record.
- 6.3. *Electronic Communication.* Email and other electronic communications among the Board or between the Board and Staff Liaison shall be used only for the transmittal of administrative matters such as scheduling or the transmittal of information to be acted upon at the public meeting. Board business shall not be conducted in any manner other than at a duly noticed public meeting.
- 6.4. *Board Conduct.* Board members shall use caution in entering into any discussion of a project coming before the Board other than at a regularly scheduled meeting of the Board. Board members shall not accept phone calls or packets of information from applicants or their representatives, or from anyone other than the Community Development Department except at Board meetings. Anyone wishing to present information to Board members should be directed to provide that information through the normal channel of the Community Development Department, where a full public record of all information transmitted to the Board can be kept.

7. Coordination with Other Boards

- 7.1. *Joint Committee of the Planning Board and Planning, Licenses and Development Committee.* The Planning Board shall hold at least one joint meeting annually with the City Council Planning, Licenses and Development Committee ("Joint Committee") to discuss and review the Master Plan.
- 7.2. *Joint Meetings.* Pursuant to RSA 676:2; an applicant seeking approval from the Planning Board and another land use board(s) may petition the Planning Board and the other land use board(s) to hold a joint meeting or hearing when the subject matter is within the responsibilities of those boards. Similarly, the Planning Board shall have the authority on its own initiative to request a joint meeting with any other land use board(s). Each land use board so petitioned shall have the discretion as to whether or not to hold a joint

meeting with any other land use board. The following rules shall apply to all joint hearings:

7.2.1. The Chairperson of the Planning Board along with the chairperson(s) of the other land use board(s) shall mutually determine who shall chair the joint meeting.

7.2.2. The Rules of Procedure for the joint meeting shall be governed by the land use board that chairs the meeting.

7.2.3. Every board or commission shall be responsible for rendering a decision on the subject matter that is within its own jurisdiction.

7.3. *Coordination with other boards.* The Planning Board may hold joint meetings with other City Boards and Commissions to discuss matters of mutual interest, including but not limited to the City Council Finance, Organization, and Personnel Committee, to discuss both the Capital Improvement Program and the annual-operating budget of the Board; the Zoning Board of Adjustment to discuss the Zoning Ordinance and other matters of mutual interest; and the Conservation Commission to discuss the Open Space Plan and other matters of mutual interest.

8. Statutory Duties

8.1. *Zoning Ordinance & Amendments.* The Joint Committee of the Planning Board and the Planning, Licenses and Development Committee has the authority to make recommendations to City Council on all proposed changes to the Land Development Code (LDC), including changes to the Zoning Map or text of the Zoning Regulations. For any proposed change to the Zoning Map or text of the Zoning Regulations, the Joint Committee shall hold a public workshop in accordance with Section 25.3 of Article 25 of the LDC.

8.2. *Master Plan.* In accordance with the provisions of RSA 674:1-4, the Board is required to prepare and revise as necessary a Master Plan.

8.2.1. *Schedule for Review and Updates.* In consideration of the provisions of RSA 674:2 (VIII), and to assure that the Master Plan remains a useful decision tool, it shall be a policy of the Board to review the entire Master Plan every five (5) years and use its best efforts to update every ten (10) years. The Board shall work directly with the Community Development Department, Planning, Licenses and Development Committee of the City Council, and the City Manager to maintain a schedule of Master Plan review.

8.2.2. *Review and Adoption by City Council.* In order to assure that the City Council fully understands and supports the Master Plan, the Planning Board shall seek Council review and adoption of the Master Plan prior to Board adoption. Prior to adoption of revisions or new sections of the Master Plan, the Board shall hold a public hearing, in accordance with the requirements of State law.

8.3. *Capital Improvement Plan.* The Planning Board shall review the Capital Improvement Plan (CIP) every two years, and recommend revisions or modifications of that Plan to the City Council. The principal purpose of Board review and comment shall be to assure, to the degree possible, that the CIP reflects the principals and priorities of the Master Plan.

9. Minor Project Review Committee (MPRC)

9.1. *Authority.* The Planning Board has the authority to delegate its site review powers and duties in regard to minor site plans to a committee of technically qualified administrators chosen by the planning board in accordance with RSA 674:43(III). The process and procedures for this committee, which shall be known as the Minor Project Review Committee (MPRC), are set forth in Article 25 of the Keene Land Development Code.

9.2. *Establishment.* The Minor Project Review Committee was formed by the Planning Board and the City Council through Ordinance O-2020-10B (adopted May 20, 2021 and effective September 1, 2021), which established the City of Keene Land Development Code.

9.3. *Duties.* The MPRC shall have the authority to hear and decide on minor site plan applications, to review and comment on proposed projects for site plan review or subdivision review prior to the formal submission of a site plan or subdivision applications, and to hear and decide on requests for extensions to minor site plan approvals.

9.4. *Membership.* The MPRC shall be comprised of five members. One member shall be the Public Works Director or their designee, one member shall be the Community Development Director or their designee, one member shall be the Zoning Administrator or their designee, one member shall be the Fire Chief or their designee, and one member shall be a designee of the City Manager.

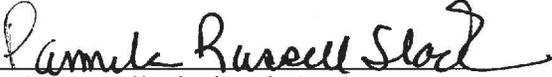
10. Miscellaneous Rules of Procedure

10.1. *Robert's Rules of Order.* "Robert's Rules of Order," as amended, shall govern points of order not covered by these Rules of Procedure.

10.2. *Suspension of Rules of Procedure.* Any provision of these Rules of Procedure that are not governed by the City of Keene Charter, state law, or local ordinance or regulation and do not affect the substantive rights of persons appearing before the Keene Planning Board may be temporarily suspended at any meeting of the Planning Board, by a two-thirds (2/3) majority vote of all members present. The vote on any such suspension of the Rules shall be taken by roll call and entered upon the records.

10.3. *Severability Clause.* If any of the provisions set forth in these Rules of Procedure are held to be invalid, for any reason, by a court of law, such holding shall not invalidate any other provision contained herein.

Adopted by the Planning Board of the City of Keene, this 22nd day of August, 2022.


Pamela Russell-Slack, Chair