

NEW DURHAM PLANNING BOARD RULES OF PROCEDURE



Town of New Durham

Adopted August 6, 1985
Revised July 10, 1991
Replaced on September 19, 2006
Amended 2/17/2010
Amended 11/15/2011
Amended May 19, 2015
Amended November 2 2021

Certified by Town Clerk on November 16 2021
Effective Date: November 16 2021

ADOPTION OF AMENDMENT CERTIFICATION


Adopted August 6, 1985
Revised July 10, 1991
Replaced on September 19, 2006
Revised February 2, 2010
Amended November 15, 2011
Amended May 19, 2015
Amended November 2, 2021

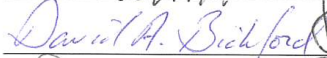
Amendments read on October 19, 2021
Amendment adopted and signed by Planning Board on November 2, 2021
Certified by Town Clerk on November 16, 2021

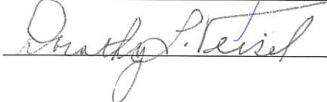
Effective Date: November 16, 2021

 , Jeff Allard, Chair

 , Robert Craycraft, Vice Chair

 , Scott Drummey, Secretary

 , David Bickford, Member

 , Dorothy Veisel, Selectmen's Representative


 , Shannon Feger, Interim Town Clerk

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I. AUTHORITY

- A. These by-laws and rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated RSA 676:1 (Method of Adopting Rules of Procedure) and RSA 674:21 (Innovative Land Use Controls).
 - 1. The purposes, objectives and responsibilities of the Planning Board of the Town of New Durham, in Strafford County, New Hampshire, include those powers and duties delegated to the Planning Board by the Town Meeting of March 12, 1968 (Article 7).
- B. The duties of the Planning Board shall be as enumerated in RSA 674:1.
- C. Unless otherwise stated, or unless otherwise required by the context, any reference to statute, law, regulation, or code in these By-Laws and Rules of Procedure shall be deemed to include any future amendments made to such statute, law, regulation, or code.
- D. Unless stated or unless otherwise required by the context or statute, any reference to Board or Planning Board shall refer to both elected and appointed members.

II. PURPOSES

- A. The purposes of the Planning Board Rules of Procedure are:
 - 1. To meet the requirement of RSA 676:1
 - 2. To highlight the multiple procedural requirements of the Planning Board outlined in RSA 673 (“Local Land Use Boards”), and to ensure that related Board operations requirements (e.g. in RSA 676: “Administrative & Enforcement Procedures”) are generally highlighted and properly implemented.
 - 3. To ensure, for the benefit of New Durham’s citizens, officials, the Planning Board, and other Town Boards and Commissions, as well as development applicants, representatives, and all other interested persons or organizations, that Planning Board operations are commonly known and understood.

III. ELECTION OF OFFICERS

- A. The officers of the Planning Board shall be elected annually by a majority vote of the Planning Board. Written ballots shall be used at the request of any voting member of the Board.
- B. The officers of the Planning Board shall be elected at the annual organizational meeting which shall be held the first meeting in April. The Planning Board member with the greatest seniority shall call this meeting to order and conduct the election of officers.
- C. A candidate receiving a majority vote of the entire regular membership of the Planning Board shall be declared elected and shall serve for one year or until her/his successor shall take office.
- D. A vacancy in the position of an officer shall be filled immediately by a majority vote of the Planning Board.

IV. OFFICERS AND THEIR DUTIES

- A. The officers of the Planning Board shall be a Chair, a Vice Chair, and a Secretary.
- B. The Chair shall preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary usage on such officers. The Chair shall, among other duties, see that all proceedings are in accordance with the by-laws and rules of procedure of the Planning Board, the ordinances of the Town of New Durham, and the laws of the State of New Hampshire. The Chair shall prepare an annual report, appoint committees, and select alternates to serve in the absence or inability to serve of Board members.
- C. The Chair shall be one of the elected citizen members of the Planning Board. S/he shall participate in and discuss all matters before the Planning Board and vote thereon.
- D. The Vice Chair shall act for the Chair in her/his absence. S/he shall be an elected citizen member of the Planning Board and shall participate in and discuss all matters before the Planning Board and vote thereon.
- E. The Secretary shall assist the Land Use Administrative Assistant by covering the position when the Land Use Administrative Assistant is ill or on vacation. The Secretary shall be an elected citizen member of the Planning Board.
- F. The Chair, with the assistance of the Land Use Administrative Assistant, shall prepare the agenda for regular and special meetings of the Planning Board.

V. MEMBERS

- A. The New Durham Planning Board shall consist of five members who reside in the Town of New Durham. Four members shall be elected by the local legislative body Town Meeting for three-year terms, with staggered member terms expiring each year.
- B. One member shall be a Selectman, designated by the Board of Selectmen as an ex-officio member with the power to vote.
- C. Selection, qualification, term, and removal of members shall conform to RSA 673:13 II
- D. The vacancy of an elected member shall be filled by appointment of the Planning Board until the next election, as provided by RSA 673:5 II.
- E. After an elected or alternate member has had three unexcused absences in one year, the Land Use Administrative Assistant, at the direction of the Chairman, shall send a notice to the member stating there has been three unexcused absences and asking if s/he would continue as a member of the Board or if s/he would prefer to step down so the Board can have a full complement of active members.
- F. There shall be a maximum of five alternate members of the Planning Board who reside in the Town of New Durham as authorized by RSA 673:6 II.
- G. Alternate members shall be appointed by the regular members of the Planning Board for staggered terms of three years each, as provided by RSA 673:6 II. Such terms shall expire in the same manner as those of elected members.
- H. A vacancy in the position of alternate shall be filled by the Planning Board for the unexpired term.
- I. Regular and Alternate Members may serve on any other municipal Board or Commission, provided that multiple memberships do not result in two (2) Planning

Board members serving on the same additional Board or Commission (RSA 673:7 I).

- J. Each newly elected or appointed Board member, including re-elected members, shall be sworn in and take an oath of office as required by RSA 42:1.

VI. MEMBERS AND THEIR DUTIES

- A. Members: Members are expected to attend all Planning Board business meetings, workshops, site walks, public hearings and joint meetings and hearings conducted by the Planning Board. If a member cannot be present at any meeting, they shall notify the Land Use Office prior to the meeting of his/her inability to attend. In the absence of a regular member, other than the Selectman's representative, the Chairman shall appoint an alternate from among those alternate members present to act in the place of the absent member. If a member is late to arrive for a meeting, the Chairman shall appoint an alternate member from among those alternate members present to act in the place of the absent member until Board action is completed on the agenda item being heard. Upon the start of a new agenda item, the regular member shall take his/her seat on the Board and replace the alternate member.
- B. Alternate Members: Alternate members are expected to attend all Planning Board business meetings, workshops, site walks, public hearings and joint meetings and hearings conducted by the Planning Board. If an alternate member cannot be present at any meeting he/she shall notify the Land Use Office prior to the meeting of his/her inability to attend.
1. Alternate Members may participate in questioning the applicants and discussing the plans but shall not vote unless they have been appointed to act as a member of the hearing as described in Section D.
- C. If any regular Planning Board member is absent from a meeting or hearing, or is disqualified from participating with respect to a particular application, the Chair shall designate one of the alternate members to participate in place of the absent or disqualified member. Such alternate shall have all of the powers and duties of a regular member in regard to any matter under consideration on which the regular member is unable to act.
- D. The selection of alternate members to act as members of the Board shall be made by the Chairman at the beginning of the Planning Board Meeting. Alternates shall be chosen on a rotational basis designed to ensure maximum continuity of acting members for the applicant, and to give each alternate an approximately equal number of agenda items. The Ex-officio seat shall only be filled by the Ex-Officio alternate member.
- E. Training (RSA 673:3 - a)
1. Within 6 months of assuming office for the first time, all non ex-officio members or alternates of the Planning Board are strongly encouraged to complete at least 6 hours of training for the member's position.
 2. All non ex-officio members and alternates should complete at least 4 hours of training per year thereafter.
 3. Ex officio members and alternates are strongly urged to voluntarily meet these training standards.

4. Qualifying training shall be that designed and furnished by the Office of Energy and Planning, New Hampshire Municipal Association, or Strafford Regional Planning Commission.
5. Members are strongly encouraged to attend supplemental trainings.

VII. CODE OF CONDUCT

- A. The primary obligation of members is to serve the public interest, and to conduct themselves so as to maintain public confidence in the Planning Board and the conduct of its business. New Durham Planning Board members and staff shall not use their position for a purpose that is, or gives the appearance of being, motivated by a desire for personal benefit or private gain for themselves or others, particularly those with whom they have family, business, organizational, or other ties.
- B. Definitions for this section:
 1. Interest: any privilege, profit, gain, or advantage one stands to receive if certain actions or events occur.
 2. Financial Interest: any interest which, either directly or indirectly, promotes or obtains a monetary or material benefit due to its exercise (other than the authorized salary for public service to the Town) to the Board member, the immediate family of the official or employee, or to anyone retaining the services of the official or employee.
 3. Personal Interest: any interest created due to blood, marriage, close business relationships, political associations, or household residence (either relatives or live-in boyfriends or girlfriends) regardless of whether or not a financial interest is involved.
 4. Immediate Family: immediate family encompasses spouses, dependents, anyone residing in the person's household and anyone who, by virtue of blood or marriage, is such a direct relation as to be a parent, child, grandparent, grandchild, brother, sister or in-law.
 5. Pecuniary Interest: any advantage in the form of money, property, commercial interest or anything else, the primary significance of which is economic gain; it does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally.
- C. No Member shall advise, deliberate and/or vote on any matter in which he holds any direct interest, whether it is personal, financial, or pecuniary, and must publicly disclose the nature and extent of that interest, and must disqualify himself from advising, deliberating, and/or voting on the matter.
- D. New Durham Planning Board members (and staff, if any), who are abutters to a property (as defined by RSA 672:3), or who have a financial interest in a property, shall not participate in any discussion, hearing, or other consideration by the Planning Board which involves that property.
- E. Regular and alternate members shall not participate in deciding or sit in hearings where the Board functions in a quasi-judicial capacity ("Quasi-judicial" capacity means the Planning Board acting in the role of a "judge" relative to development applications.) and

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where said member has a direct personal or pecuniary interest in the outcome of such decision or hearing different from the interest of other citizens or where the member could not meet the “juror” standard (RSA 673:14 I.). As general rule, a conflict of interest will be found to exist when a Board member has a direct personal and pecuniary interest in the matter before the Board that is immediate, definite, and capable of demonstration, as opposed to being speculative, uncertain, contingent, or remote.

- F. Guidelines for determining a conflict include the following:
1. Does the Board member expect to gain or lose from his/her position on the matter?
 2. Is the member of a Board related to any party?
 3. Has the member of the Board assisted or advised either party in this particular matter?
 4. Has the member of the Board directly or indirectly given his/her opinion or formed an opinion?
 5. Is the member of the Board employed by or does that person employ any party in the case?
 6. Is the member of the Board prejudiced to any degree regarding the case? Or
 7. Does the member of the Board employ any of the counsel appearing in the case?
- G. No Planning Board member or alternate shall:
1. Utilize confidential information obtained in their official capacity for his or her own personal benefit or that of his or her clients or the clients of the organization with which the public official is associated
 2. Accept anything of value from any person or organization when the Planning Board member or alternate knows or reasonably should know that the offer is for the purpose of influencing the public official's actions or decisions;
 3. Use his or her official position to influence or to attempt to influence the Planning Board to act in favor of the public official or the public official's clients or clients of the organization with which the public official is associated.
- H. As specified by RSA 673:14, if uncertainty arises as to whether a Planning Board member should disqualify her/himself, on the request of that member or 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.
- I. Any member of the New Durham Planning Board who may have an apparent, potential, or actual conflict of interest with respect to any deliberations or matters before the Planning Board, shall recuse himself or herself from the Board while such matters are being considered or acted upon. The member shall reference the reasons for recusing him/herself for inclusion in the public record.
- J. If any member is disqualified from participating on a particular case, as provided by RSA 673:14, s/he shall notify the Chair as soon as possible so that an alternate may be appointed to fill the regular member's place. The disqualification shall be announced by the Chair or by the member before the discussion or the public hearing on the application begins. The disqualified member shall leave the Board table during the public hearing and during all discussions and deliberations on the matter, but may speak from the audience as a member of the public, or as an abutter

VIII. COMMUNICATIONS BETWEEN MEETINGS

A. Purpose: The aims of this Article are:

1. To ensure compliance with the letter and spirit of the Right-to-Know Law, RSA 91-A, and with the Due Process rights of parties before the Board;
2. To clarify Board members' ability, between meetings, to research issues and prepare motions or other potential Board actions, thus promoting efficient use of meeting time, but only to the extent allowed by law; and,
3. To clarify the role of electronic media such as E-mail in achieving these goals.

B. Definitions In this Article:

1. Communication means a transfer of information, objective or subjective, from one person to another. It includes face-to-face or phone conversations, letters, memos, E-mails, web sites, or any other medium, regardless of the location or ownership of any device or equipment used.
2. Distribution is a one-way communication between meetings involving more than one Board member where no between-meeting response (except acknowledgment of receipt) occurs or is expected.
3. Exchange is a communication between meetings, or series of communications, involving more than one Board member which includes a between-meeting response, or expectation of a response.
4. Ex Parte Communication is communication, other than at a legally noticed meeting, between a Board member and a person with an interest in, or affected by, a pending or future case.

C. Activities of Individual Members Between Meetings:

Individual Board members may, between meetings, prepare drafts of motions or other potential Board actions. They may also research or investigate general or specific factual issues. However, if the research pertains to a case, the member shall, at the public hearing, report all findings to the Board, and parties to the case shall be given a meaningful opportunity to respond.

D. Distributions:

A Distribution may be made to any number of Board members, so long as it does not become an Exchange. Whenever a member makes a Distribution concerning a pending or future case and it involves a quorum of the Board (counting all senders and recipients):

1. A copy shall be forwarded to the Planning Board Chair, who shall determine, under RSA 91-A or other applicable law, whether the Distribution is subject to public disclosure and shall place the copy in the appropriate file;
2. The member making the Distribution shall report on it, and its contents, at the public hearing on the case unless the information is exempt from disclosure under RSA 91-A; and,
3. Parties to the case shall be given a meaningful opportunity to respond to the information in the Distribution.

E. Exchanges:

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Exchanges involving a quorum or more of the Board or of any Planning Board Committee are prohibited. Such Exchanges shall be considered deliberations and shall occur only at meetings noticed in accordance with RSA 91-A. An Exchange pertaining to any activity allowed under Subsection B.3 is permitted if the number of Board or Committee members involved is less than a quorum; however:

1. Each member involved shall be responsible for preventing the number of members involved from reaching a quorum;
2. Information discussed in, or generated by, an Exchange between members shall not be subject to further Distribution, and;
3. No Exchange shall include any vote or straw vote, or any Ex Parte Communication.

F. Ex-parte Communications:

Board members shall not initiate Ex Parte Communications. If an Ex Parte Communication is initiated by another person, the Board member contacted shall:

1. Refrain from discussing the substance or merits of a case;
2. Inform the person, if necessary, that such a discussion could lead to disqualification;
3. Refer the person to the Planning Office or to a Board meeting, as appropriate, and;
4. Report on the conversation to the Board at a public meeting.

G. Scheduling and Agenda

Notwithstanding Section VIII D, E, and F, nothing in this policy prevents any Distributions, Exchanges, or Ex Parte Communications which pertain solely to:

1. Scheduling of meetings or hearings;
2. The determination or ordering of agenda items or topics to be taken up at meetings or hearings, or;
3. General procedural requirements pertaining to such scheduling and agenda matters.

IX. MEETINGS

- A. Regular meetings of the Planning Board shall be held on the first Tuesday of the month at the New Durham Town Hall, or other designated location, and more often as the Planning Board may decide. The Chair, or the Vice Chair in her/his absence, may call for an additional regular meeting or meetings. A regular meeting may be postponed by the Chair, or by a request of three members of the Planning Board, if all members are notified. Regular meetings shall be held on the same day and week from month to month, to be determined by vote of the Board members.
- B. Regular and special meetings of the Planning Board may take place in other public locations if the meeting date, time, and place are posted in accordance with RSA 91-A.
- C. Special meetings may be called by the Chair. It shall be the duty of the Chair to call such a meeting when requested to do so in writing by a majority of the members of the Planning Board. The notice of the meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the Planning Board. The Land Use Administrative Assistant shall notify all members of the Planning Board not less than 48 hours in advance of such a special meeting. The Land Use Administrative Assistant or Chair may distribute notices by telephone, mail, or e-mail.
- D. As required by RSA 91-A, all meetings shall be open to the public. Notice of meetings

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shall be posted in at least two appropriate public places at least 24 hours, excluding Sundays and legal holidays, prior to such meetings.

- E. The Planning Board may allow one or more members of the Board or members of the Public to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph. Applicants and/or their agents must be physically present.
1. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.
 2. A member of the Planning Board may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.
 3. Except in an emergency, a quorum of the Planning Board shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an “emergency” means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the Planning Board, and the facts upon which that determination is based shall be included in the minutes of the meeting.
 4. Each part of a meeting required to be open to the public shall be audible or otherwise discernible to the public at the location specified in the meeting notice as the location of the meeting. Each participant participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernible to the public in attendance at the meeting's location. Any Planning Board member participating in such fashion shall identify the persons present in the location from which the member is participating.
 5. Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.
 6. A Planning Board member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.
 7. The form of the electronic communication and any specific instructions needed to connect to the meeting electronically shall be printed on the Agenda for the meeting.
 8. The Town of New Durham offers no security assurances or technical support to those connecting via PC to a third party software and hardware not configured or controlled by our IT Service provider.
 9. If the electronic communication fails for any electronic participant, but other participants remain connected, the meeting shall continue as normal. If the electronic communication fails for ALL participants, the Board may choose to Continue that portion(s) of the meeting to a future date.

- F. If public notice of a Planning Board meeting or public hearing has been properly posted, additional notice shall not be required for an adjourned session of the hearing or meeting if the date, time, and place of the adjourned session were made known at the prior hearing or meeting, as provided by RSA 676:4 I. (d).
- G. The Board shall not commence any items of new business which includes public hearing later than 10:00 PM provided that the Board may continue to conclusion the public hearing of any item of business which commenced prior to that hour.

X. QUORUM AND VOTING

- A. A majority of the membership of the Planning Board—three members—shall constitute a quorum. The quorum may consist of regular members and/or of alternates participating in the place of regular members.
- B. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present.
- C. A majority of the members present and voting is necessary to adopt a motion. All voting shall be by voice vote, unless two or more members present and voting request a roll call vote or an applicant requests a roll call vote. A record of the roll call shall be kept as a part of the minutes of the meeting.
- D. A member may choose to abstain from a vote by notifying the Chair before the vote is called. The Chair may appoint an alternate to take the place of the abstaining member. That member shall state a reason for such abstention.
- E. When a vote on a question is evenly divided, the question shall be deemed to have been defeated.
- F. A motion to reconsider a previous vote of the Board shall be in order only if made by a member who voted with the prevailing side, or if the member did not vote on the original question.

XI. ORDER OF BUSINESS

- A. The business of regular meetings shall include, but not be limited to:
 - 1. Roll call / Introductions / Review Agenda
 - 2. Public Input
 - 3. Public hearings
 - 4. New/Old Business
 - 5. Approval of Minutes
 - 6. Adjournment.
- B. The order of business for a particular meeting may be adjusted to accommodate the needs of those attending or planning to attend.
- C. Non-public sessions shall be held only in accordance with RSA 91-A: 3.

XII. APPLICATIONS TO THE PLANNING BOARD

- A. Applications for hearing before the Planning Board shall be made on forms provided by

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- the Board and shall be presented to the Land Use Administrative Assistant of the Planning Board, or the Board's agent, who shall sign and record the date of receipt.
- B. Applications shall be filed with the Land Use Administrative Assistant or the Planning Board's agent at least twenty-one full (21) days prior to the meeting at which the application will be considered for acceptance.
 - C. Notice shall be given and published as required by RSA 676:4 I (d), ten days exclusive of the day of posting and the day of the meeting, before a complete application is submitted to the Planning Board for consideration.
 - D. Public notice shall be posted on the Town's website, www.newdurhamnh.us, and at least one of the following two locations: Town Hall or Post Office.
 - E. The Planning Board shall determine by a majority vote whether to accept an application as complete. Applications determined to be complete shall be scheduled for public hearing within thirty (30) days of acceptance or at the next regular meeting. If an application is complete and accepted by the Planning Board, and all notices have been published, all abutters notified, and all fees paid, the Board may hold the public hearing at that same meeting at which it is accepted as complete. The application shall remain under active consideration on the Planning Board's agenda until final action is taken.
 - F. The Planning Board shall reject all applications that are not properly completed.
 - G. Complete applications may be approved, conditionally approved, or disapproved. Prior to final approval, the Planning Board shall review the "conditions of approval" checklist to ensure conformance with the site plan review and subdivision regulations.
 - H. As provided by RSA 676:4 I. (f), the Planning Board may apply to the Board of Selectmen for an extension before acting to approve or disapprove an application; or the applicant may waive the requirement for Planning Board action within the time period specified by law.

XIII. FORMS

All forms prescribed herein and revisions thereof shall be adopted by resolution of the Planning Board and shall become part of these rules of procedure.

XIV. PUBLIC HEARINGS AND ACCEPTANCE

- A. Public Hearings Required: a public hearing shall be held as required by the New Hampshire Revised Statutes Annotated for:
 - 1. Master Plan or amendment proposed under RSA 674:1.
 - 2. Subdivision Regulations or amendment proposed under RSA 674:35-37.
 - 3. Site Plan Review Regulations or amendment proposed under RSA 674:43-44.
 - 4. Zoning Ordinance or amendment proposed under RSA 674:16.
 - 5. Building Code or amendment proposed under RSA 674:51.
 - 6. Board Review of subdivision, site plan, or conditional use permit proposal under RSA 674:43-44.
- B. Site Plan, Subdivision, and Conditional Use Permit Review Hearing Protocol:
 - 1. The Chair shall call the hearing into session, identify the application or applicant's agent, and ask for a report on the proposal.

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2. The Land Use Administrative Assistant shall submit the application to the Planning Board and report on the manner in which public and personal notice was given.
3. Members of the Planning Board may ask questions at any point during the presentation.
4. Any party to the matter who desires to ask a question of any other party must go through the Chairman; parties should not address each other directly.
5. Representatives of town departments and other town boards and commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing.
6. Any applicant, any abutter, or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the Planning Board at each hearing.
7. Each person who speaks shall be required to state her/his name and address and indicate whether s/he is a party to the matter or an agent or counsel to a party to the matter.
8. The Chair shall indicate whether the hearing is closed or adjourned pending the submission of additional material or information or the correction of noted deficiencies. In the case of an adjournment, additional public notice is not required if the date, time and place of the continuation is made known prior to adjournment.

XV. DEVELOPMENTS OF REGIONAL IMPACT

- A. "Development of Regional Impact." as defined in RSA 36:55, means any proposal before a local land use board which in the determination of such local land use board could reasonably be expected to impact on a neighboring municipality, because of factors such as, but not limited to, the following:
 1. Relative size or number of dwelling units as compared with existing stock.
 2. Proximity to the borders of a neighboring community.
 3. Transportation networks.
 4. Anticipated emissions such as light, noise, smoke, odors, or particles.
 5. Proximity to aquifers or surface waters that transcend municipal boundaries.
 6. Shared facilities such as schools and solid waste disposal facilities.
- B. At least fourteen (14) days prior to the public hearing on a development of regional impact, the Planning Board shall notify, by certified mail, all affected municipalities and their respective regional planning commissions of the date, time, and place of the hearing and their right to testify concerning the development.
- C. Upon receipt of written or verbal testimony from affected municipalities or regional planning commissions, the Planning Board shall respond in writing to acknowledge that their testimony has been received and will be considered.

XVI. SITEWALKS

- A. A site walk is defined as a visit by the Board or a member of the Board to a location which is the subject of an application before the Board, where the visit is in the company of the owner, applicant, their agents or employs and involves going onto the property or

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- visiting areas that are not customarily available for public inspection.
- B. When the Board deems it necessary for the adequate consideration of an application, the Board shall request that the applicant allow a site walk by the Board.
 - C. When the Planning Board schedules a site walk for Board membership, it shall be posted as a meeting of the Board in accordance with RSA 91-A.
 - D. Site walks are public meetings of the Board and as such members of the public are allowed to attend. The Chairman has the authority to maintain decorum and order on a site walk just as at any other meeting of the Board.
 - E. The practice of an applicant directly contacting a member to invite that member to visit a property without prior Chairman notice shall be discouraged as an inappropriate course of conduct.
 - F. When the Board meets to consider an application, the Board and/or individual members of the Board shall disclose whether they have conducted a site walk on the location under consideration.
 - G. Minutes of site walks shall be kept only if there is a quorum of the Board conducting the site walk.
 - H. The Board shall refrain from making decisions on an application while on a site walk. Any comments, motions, or direction to an application should be made at the public hearing.

XVII. DECISIONS

- A. The Planning Board shall render a written decision pursuant to RSA 676:3. The record of the decision shall be placed on file in the Board's office and shall be available for public inspection within 5 business days after the decision is made.
- B. The Planning Board shall act to approve, conditionally approve, or disapprove the application.
- C. The notice of decision shall be made available for public inspection at the New Durham Town Hall in the manner required by RSA 676:3.
- D. If the application is disapproved, the Planning Board shall provide the applicant with written reasons for the disapproval.

XVIII. STAFF AND FINANCES

- A. Within the limits of funding made available for its use by the Town Meeting and in accordance with RSA 673:16, the Board of Selectmen, with the concurrence of the Planning Board, may employ such staff personnel and expert consultants as it may require to aid the Planning Board in its work and the Board of Selectmen shall name a supervisor for those employed. Concurrence shall be by a majority vote of the members present at any regular or special meeting at which a quorum has been established.
- B. Annual budget requests will be prepared by the staff and Chairman and approved by the Planning Board prior to submission to the Selectmen and the Budget Committee.

XIX. RECORDS

- A. The records of the Planning Board shall be kept by the Land Use Administrative Assistant and shall be made available for public inspection at the New Durham Town Hall as required by RSA 676:3 II. The Land Use Administrative Assistant, a Planning Board Member, Town Clerk or other designated town employee must be present at all times while files are being so inspected and who will physically prepare any photocopies that are requested at the designated cost of reproduction.
- B. Minutes of the Planning Board meetings, including the names of the Board members attending, the names of persons appearing before the Planning Board, residents in attendance, and a detailed description of the subject matter shall be open to public inspection in the manner as required by RSA 91-A: 2 II.
- C. The final approved Planning Board minutes shall include the signature of the Land Use Administrative Assistant and the date of final Board approval.
- D. The records of each matter considered by the Board shall be assembled into a case file. The case file heading shall carry the applicant's name, type of application, and tax map and lot number.
- E. Original and/or master documents in possession of the Planning Board shall not pass out of the Board's custody without an affirmative vote at a legal meeting that follows an explanation of the unique circumstances that would make such action reasonable and proper.
- F. A copy of the minutes of all proceedings shall be made available on the Town website within 5 business days pursuant to RSA 91-A:2 II.
- G. The Planning Board or its agent shall file all Mylar copies of approved subdivisions or site plans with the Strafford County Registry of Deeds and no other party will have access to any Mylar following approval and signature by the Board. Applicants are responsible for paying the filing fees in advance of final submission to the Strafford County Registry of Deeds.

XX. CORRESPONDENCE WITH OTHER BOARDS

The Planning Board, at its discretion, may issue an advisory opinion to any other board, commission, committee, or individual that relates to any matter under consideration. Such official action on behalf of the Board shall require a majority Board vote at a legal meeting.

XXI. CAPITAL IMPROVEMENT PLAN

The Planning Board having adopted a Master Plan is authorized by the Board of Selectmen to prepare and amend a recommended program of municipal capital improvements per RSA 674:5.

XXII. JOINT MEETINGS AND HEARINGS

- A. The Planning Board may hold joint meetings and hearings with other land use boards and officials of the Town of New Durham. Each board shall have discretion whether or

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- not to hold such joint meeting or hearing, as provided by RSA 676:2.
- B. Joint business meetings with another local land use board may be held at any time or place when called jointly by the chairs of the two boards as long as the public and abutters have received proper notice of the time, place, and purpose of the meeting. 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.
 - C. The Planning Board chair shall preside over all joint meetings and public hearings when the subject matter involves the Planning Board.
 - D. The rules of procedure for joint meetings and hearings which involve the Planning Board shall be the same as these rules of procedures except that the order of business shall be as follows:
 - 1. Call to order by the Chair
 - 2. Introduction of members of both boards by the respective Chairs
 - 3. Explanation of the reason for the joint meeting/hearing by the Chairs
 - 4. In the case of a public hearing relative to a requested permit or an application for a plat approval, or both, the applicant shall be called to present her/his proposal.
 - 5. Public Input
 - 6. Adjournment of the Joint Meeting
 - 7. Each board involved in a joint public hearing shall make its own decision, based on relevant statutes and its own criteria and guidelines for the particular matter.
 - 8. Separate minutes shall be kept of all joint meetings by the Land Use Administrative Assistant and/or the Secretary of the Planning Board. Minutes of a joint meeting shall not be considered the official minutes of a joint meeting until they have been adopted by a vote of both the Planning Board and the other Board.

XXIII. ADOPTION AND AMENDMENTS

- A. These rules of procedure may be adopted or amended at a regular meeting of the Planning Board by a majority vote of the members of the Board, provided that such amendment is read at a regular meeting of the Board immediately preceding the meeting at which the vote is to be taken.
- B. The adopted or amended procedures shall be filed with the Town Clerk for public inspection, and shall be posted on the New Durham town website for public review.