

# City of Concord Planning Board Rules ~~[&]~~ *of* Procedure ~~[s]~~



Adopted: May 3, 1989  
Revised: January 20, 2010  
Revised: February 20, 2018  
Re-adopted: March 20, 2024  
*Revised: April 15, 2026*

## Article I. Name

The name of the committee is the City of Concord Planning Board.

## Article II. Authority and Duties

The authority and duties of the Concord Planning Board shall comply with the New Hampshire Revised Statutes Annotated, Chapters 67 ~~[1]~~ 2, 673, 674, 675, 676, and 677, ~~[as exists or may be amended;]~~ and shall be subject to all provisions of said chapters.

## Article III. Membership

### A. Membership.

1. The Planning Board consists of nine (9) regular members and three (3) alternate members.
2. Two (2) regular members are ex-officio members. The ex-officio members are the City Manager or the City Manager's designee, and a member of the City Council selected by the City Council.
3. *Ex-officio members shall have all the rights of regular members of the Board, except the right to hold office (Chair/Vice Chair) on the Board.*
4. Alternates may sit to fill the open seats of regular members at the call of the Chair or Presiding Officer, except for the seats held by the City Council member and the City Manager's designee.
5. ~~[Alternate members shall be allowed to participate in meetings as non-voting members, including discussions.]~~ *Alternates shall sit with the Board and may participate in discussion of any issues before the Board, but do not have voting rights unless seated by the Chair in place of an absent, recused or disqualified member.*
6. *Alternate members may be designated by the Chair to serve in place only for an absent, recused or disqualified regular member of the Board. At no time may an alternate member be seated in place of the ex-officio member; only the alternate ex-officio may be seated in place of the ex-officio as per RSA 673:11.*
7. *In order to be eligible to serve on the Board, members and alternates shall be residents of the City of Concord.*
8. Members shall be appointed to terms of three (3) years.
9. *If no successor has been appointed and qualified at the expiration of an appointed member's term, the member shall be entitled to remain on the Board until a successor has been appointed and qualified, as per RSA 673:5, III.*

### B. Attendance, Vacancies, and Removal.

All appointments to the Board shall serve for the terms appointed by City Council until a successor is 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~~

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~~unless otherwise provided in state statute~~ made by the original appointing or designating authority for the unexpired term.

#### Article IV. Officers and Staffing

- A. **Officers.** The officers of the Planning Board shall consist of a Chair and a Vice Chair who shall be elected by all Members of the Planning 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. The Chair may make motions and vote on all matters.
- C. **Vice Chair.** The Vice Chair, during the absence or disability of the Chair, shall perform all the duties of the Chair, and such other and further duties as may be required or requested by the Planning Board. In the absence of both Chair and Vice Chair, the members present, at a regular or special meeting, shall by majority vote, select a temporary Chair Pro-tem, to fulfill all of the duties of the ~~[Presiding Officer]~~ **Chair** until such time as the Chair or Vice Chair is present.
- D. **Staff.** The City Planner shall serve as Clerk of the Planning Board. He/she shall ~~[keep the]~~ **be responsible for overseeing the preparation of** minutes and records of the Board, ~~[prepare and distribute]~~ **distribution of [the]** agendas of regular and special meetings, ~~[provide]~~ notice of meetings to Board members, ~~[arrange]~~ proper and legal notice of hearings and meetings, ~~[attend to]~~ correspondence of the Board, and ~~[perform such]~~ other **such** duties as are carried out by a Clerk. In the absence of the Clerk, ~~[the]~~ **an** Assistant City Planner shall serve as Acting Clerk to take the minutes of the meeting and perform such other duties of the Clerk as may be required.
- E. **Term.** *The term of the Chair and Vice Chair shall be one year.*

#### Article V. Annual Meeting / Election of Officers

- A. **The Annual Meeting and** ~~[N]~~ nomination of officers shall be made at the first meeting in January.
- B. Candidates for any office shall be elected by a majority vote of the entire membership of the Planning Board. The elected candidates shall take office immediately.
- C. Vacancies in offices shall be filled at the next regular meeting by using the regular election procedure.
- D. **These Rules of Procedure shall be reviewed each year at the annual meeting, and may be amended by a majority vote of the Board.**

#### Article VI. Meetings and Conduct of Business

- A. **Regular Meetings.** The Planning Board shall meet on the third Wednesday of each month at 7:00 P. M. in the City Council Chambers unless otherwise specified by the Board or by the Chair, prior to the second Wednesday of the month in which the meeting is to be held.
- B. **Special Meetings.** Special Meetings may be called by the Chair, Vice Chair or ~~[Planning Director]~~ **City Planner**. Members shall be notified by e-mail at least forty-eight (48) hours in advance of a Special Meeting.

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- C. **Cancellations or Exceptions to Meeting Schedules.** In the event of a cancellation or change to the meeting schedule, Members shall be notified by the Chair [~~Presiding Officer,~~] or Staff, by e-mail at least four (4) hours in advance, or by telephone if less than four (4) hours.
- 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> edition, or duly published successor edition, except as provided by the rules or local, state, or federal law.

~~[Seating of Alternates. At the beginning of each meeting, The Board may designate alternates for any regular member who is absent. Alternates shall then vote as regular members. Alternates not seated for regular members who are absent may still be present and participate in discussions, though they may not vote. ]~~

- F. **Quorum.** A quorum shall consist of five (5) members. Whenever a quorum is not present at a regular or properly noticed meeting, the meeting shall be considered adjourned and will be 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. Any voting member may request that an agenda item be re-ordered. The voting members shall by majority shall by majority vote, approve or reject any such request.
- H. **Joint Meetings & Hearings: The Board, or any applicant, or any other land use board, may request a joint meeting or hearing of the boards on any topic common to their respective jurisdiction. Each board shall have the discretion as to whether or not to hold a joint meeting with another board.**
1. ***Planning Board Shall Chair: The Planning Board Chair shall chair any joint meeting or hearing in which the Board is involved (per RSA 676:2). The Chair shall follow the general rules of conduct outlined in these Rules of Procedure.***
  2. ***Notices and Decisions: Each board participating in the joint meeting or hearing shall be responsible for providing notice, filing minutes and decisions, and for rendering and issuing decisions, as appropriate, for the subject matter within its jurisdiction as prescribed for that board by statute, local ordinance, or other rules of procedure.***
- I. **Recusal/Conflict of Interest.**
1. ***All Board members are subject to the City of Concord Code of Ethics (City General Code of Ordinances, Title I, Article 1-6).***
  2. No member of the Planning Board shall introduce, speak on, or vote on any motion, ordinance, resolution, or issue for which he/she has a personal or pecuniary interest, ***or if the member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law***, nor shall any member vote on development applications for which he/she is an abutter.
  3. ***A Board member with a conflict or need to recuse shall notify the Chair prior to the item being discussed by the Board so that the Chair [shall] can fill the open seat of a member who has declared a conflict of interest with an alternate member, except seats held by ex-officio members.***
  4. ***The recused member shall physically separate themselves from the Board, by sitting in the audience or leaving the meeting room, during the entirety of any discussion on the subject topic.***

5. *If uncertainty arises as to whether a Board member should recuse themselves, any seated Board member may request a non-binding vote on the eligibility of the member to serve on the subject topic. Such vote shall take place prior to discussion on the subject topic. Regardless of the outcome of any such vote, the final decision on recusal is that particular member's alone.*

J. *Consent Agenda: 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, but not limited to, conditional approval extension requests, Architectural Design Review applications, 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:*

1. *The posted meeting agenda shall list all items that are to be considered as part of the Consent Agenda.*
2. *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 4 below.*
3. *All items in the Consent Agenda shall be acted on by a single motion, second, and vote of the Board.*
4. *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.*
5. *The meeting minutes shall include sufficient detail of each item on the Consent Agenda that was acted upon.*

K. **Procedure for Actions.**

1. Actions shall be taken on the basis of a motion, duly seconded, made by any member of the Planning 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~~].
2. 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 therefor, and at the request of any member, the Chair shall call for a recorded roll call vote on any issue.
3. *Tie Votes: A tie vote between members voting in favor and in opposition represents only a failed motion, and no Board action has commenced until a motion passes by a majority vote.*
4. *Abstentions: A Board member should only abstain from voting in circumstances of financial interest in a specific outcome the Board has jurisdiction over, prejudice, or a conflict of interest. In these instances, recusal from consideration of the subject matter entirely is required, per RSA 673:14.*
  - i. *Board members are appointed by the City Council to make decisions, and they are expected to do so, regardless of the difficulty of the decision. If a Board member feels as though they cannot make a decision, rather than abstaining from a vote, the Board member should make a motion to continue the deliberations to a date certain and work to allow for further discussion and submission of information, so that a vote can be made with confidence at the subsequent meetings/public hearings.*

- ii. *While not necessary, abstentions on votes for approval of minutes, and on a vote for oneself during the annual meeting for election of officers are permissible.*

- L. **Minutes.** Minutes shall be kept for all meetings of the Board by a member of Staff. ~~[The minutes, shall include the names of members in attendance, persons appearing before the Board, all actions, motions and resolutions coming before the public body including the votes of the members, and a brief description of the subject matter discussed. Draft minutes shall be available to the public not more than five (5) business days after the meeting and shall be placed on the City website. Draft minutes shall be clearly marked "DRAFT". Draft minutes, with or without revisions, shall be approved by the Board at the next meeting of the Board or as soon as possible. Final approved minutes shall be provided to the City Clerk for the permanent record and posted on the City website.]~~ *Minutes shall include the names of members in attendance, persons appearing before the Board, a brief description of the topics discussed, and a record of any actions taken. Minutes shall be made available for public inspection within 5 business days of the meeting as per RSA 91-A. Non-public meeting minutes shall be compiled and managed in accordance with RSA 91-A:3.*
- M. **Recording of Meetings.** The Board shall arrange for video recording of all meetings.
- N. **E-mail.** *Per RSA 91-A, Board* ~~[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 Board. In addition, Board members shall refrain from conducting any official business of the Board outside the view of the public and the press unless permitted by State laws.
- O. **Amendment of Rules.** These rules may be repealed or amended by a vote of the City of Concord Planning Board upon the recommendation of the Board or Staff.
- P. **Other Boards & Commissions.** ~~[No member of the Planning Board shall represent the Board before any other City board or commission without authorization by the Board.]~~ *All members and alternates shall conform to the limitations on multiple membership set forth in RSA 673:7.*

## Article VII. Committees

- A. The Planning Board may, from time to time, deem special purpose and/or study committees necessary to conduct its business. The members of these committees shall be appointed by the Chair. Any such committees shall sunset when their final report is acted upon by the Board.

## Article VIII. Public Hearings RSA 675:7

- A. In addition to hearings required by statute or ordinance, the Planning Board may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest.
- B. Notice shall be given for the time and place of each public hearing held ~~[under]~~ *per the requirements of* RSA 675:2-4 and RSA 675:6 ~~[at least 10 calendar days before the hearing]~~. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places. *Any public hearing on proposed amendments to a zoning ordinance shall comply with the notice requirements set forth in RSA 675:7.*
- C. Guidelines for Testimony at a Public Hearing:

1. The Chair ~~[or the Presiding Officer]~~ shall call the hearing into session and identify the Applicant or Speaker.
2. The matter before the Planning Board shall be presented in summary. During the presentation, members of the Planning Board may ask questions of the Applicant or Speaker when recognized by the Chair ~~[or Presiding Officer]~~.
3. An Applicant or Speaker wishing to ask a question of another party must first be recognized by the Chair ~~[or Presiding Officer]~~.
4. *The Chair shall have the right to limit the amount of time each speaker has to provide public testimony. The Board can, by consensus, allow a speaker to exceed any such limit as they deem appropriate.*
5. 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]~~.
6. 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.
7. Other interested parties such as representatives of City Departments, Boards, or Commissions shall be allowed to present their comments in person or in writing.
8. 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 prior to 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, *I(c)(1)*.
- B. *In the case of a development of regional impact, the 65-day time period is extended by 30 days to 95 days as per RSA 676:4, I(c)(1).*
- C. The Planning Board shall act to approve, conditionally approve, or disapprove.
- D. Notice of decision will be made available for public inspection at the Planning ~~[Department]~~ *Division* within ~~[five (5) business days after the decision is made, as]~~ *the timeframe* 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]~~ Appeals**

- 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.]~~ *Any party to the Board's action or proceedings, or any party directly affected thereby, may appeal the Board's decision to Superior Court within 30 days in accordance with RSA 677:15, or to the NH Housing Appeals Board in accordance with RSA 679:6.*

#### **Article XI. Special Investigative Studies and Review**

- A. The Planning Board is empowered under RSA 674:44(V) and RSA 676:4(I)(g) to impose reasonable fees to cover its administrative expenses and costs of investigative studies, review of documents, and other matters which may be required by particular applications.

**Article XII. Suspension and Amendments**

- A. The City of Concord Planning Board may suspend any of these rules for a specific purpose by a two-thirds (2/3) majority vote of the members present, *subject to all statutory requirements under Title LXIV of the New Hampshire Revised Statutes*.
- B. These rules may be amended, *if necessary (other than at the Annual meeting)*, at any regular or special meeting by a two-thirds (2/3) vote of the ~~[entire membership of the Planning Board, including alternates]~~ *members present*, provided that the agenda for said meeting specifies the amendment to be voted on *and with any amendments subject to all statutory requirements under Title LXIV of the New Hampshire Revised Statutes*.

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Revised: January 20, 2010  
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Attest: \_\_\_\_\_  
~~[Anne Marie Skinner,]~~ *Timothy J. Thompson, AICP, Acting* Clerk