

CLAREMONT CITY CODE, APPENDIX H-PLANNING BOARD RULES OF PROCEDURE
ADOPTED MARCH 12, 2018 BY THE CLAREMONT PLANNING BOARD

APPENDIX H - CLAREMONT PLANNING BOARD RULES OF PROCEDURE

ARTICLE I: AUTHORITY & PURPOSE

A. Authority

The Planning Board (Board) rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 676:1 as may be amended from time to time.

B. Purpose

These rules guide and govern Planning Board membership, meetings, and appropriate activities of its Members. They supersede any and all rules which may have been adopted in the past. In the event that amendments to state law or regulation or rulings by the New Hampshire Supreme Court may invalidate any provision of these regulations, the invalidated portion of the regulation shall no longer apply and shall be superseded by the applicable law, regulation or Court ruling.

ARTICLE II: MEMBERSHIP

A. Composition

The Planning Board shall consist of the following Members appointed by the City Council (RSA 673:2,1, Claremont City Code (City Code) Sec. 2-27).

1. Six (6) Regular Members with power to vote.
2. The Mayor and one (1) City Councilor serving as ex officio Members with power to vote.
3. One (1) City staff Member serving as ex officio Member with power to vote.
4. Four (4) regular Alternate Members.
5. One (1) City Council ex officio Alternate.

As used herein, "Member" and "Regular Member" shall mean an appointed or ex officio Planning Board member. "Alternate" and "Alternate Member" shall mean an appointed or ex officio alternate Planning Board member.

B. Members and Alternates

Selection, qualification, term, removal of Members and Alternates, and filling of vacancies shall conform to RSA 673. Additionally:

1. Board Members and Alternates are appointed to the Planning Board in accordance with RSA 673 and City Code Ch. 2, Art. II.
2. All Members and Alternates shall be residents of the City (RSA 673.1,1, City Code 2-26).
3. Each newly appointed or re-appointed Member shall be sworn in and take an oath of office. (RSA 42:1, Claremont City Charter Sec. 59).
4. *City Code of Conduct*: All Members and Alternates shall abide in the performance of their duties in accordance with the City's Code of Conduct.
5. No Member or Alternate of the Planning Board shall represent himself/herself as a spokesperson for the Board before any group without prior authorization by the Board.
6. Members and duly appointed Alternates (acting in the place of a Member), including the Chair, shall hear all cases presented, participate in the decision-making process, and vote to approve or deny all motions under consideration unless a Member is absent or disqualified.

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7. *Attendance:* Regular attendance by Members and Alternates is important to fully participate in the activities of the Board and carry a fair share of the workload.
 - a. Any Member or Alternate unable to attend a meeting shall notify the Secretary/Chair as soon as possible, if there is no quorum for a meeting then the Secretary shall notify the Chair.
 - b. If a quorum of the Board is physically present at the meeting, then other Members may attend the meeting by teleconference or videoconference, whichever the City can reasonably accommodate. All such remote participation shall comply with the then-effective provisions of RSA 91-A:2, III.
 - c. Continued service on the Board requires attending at least two-thirds (2/3) of scheduled meetings in a calendar year unless excused by the Chair.
 - d. The Secretary shall keep attendance and notify the Chair of any Member or Alternate whose attendance does not meet the above requirement.
 - e. The Secretary, at the direction of the Chair, will notify the Member or Alternate in writing of the failure to attend, said communication to include a statement that failure to attend scheduled meetings may result in a request to the City Council to remove the Member or Alternate.
8. *Concurrent Service on Other Boards:* Appointed Members and Alternates shall not hold any other municipal office, except that (RSA 673:7,II):
 - a. One Member or Alternate may be a Member of the Zoning Board of Adjustment.
 - b. One Member or Alternate may be a Member of the Conservation Commission.
 - c. One Member or Alternate may be a Member of one or all of the following (if they exist): Heritage Commission, Historic District Commission, Agricultural Commission, Housing Commission.

The Mayor, ex officio Members, and the ex officio Alternate are exempt from this rule.
9. The Secretary shall forward to the municipal clerk for recording the appointment/election and expiration dates of the terms of each Member and Alternate of the Board.
10. *Removal of Members and Alternates:* Under certain circumstances the Board may vote to petition City Council to remove a Member or Alternate from the Board for just cause, including neglect of duty and malfeasance in office. If the Board votes to remove a Member or Alternate, then the Chair shall file a written petition with the City Council for removal proceedings in accordance with RSA 673:13. The petition shall state the reasons for removal.
11. *Member Vacancies:* If a vacancy in the Board membership (Regular Members, Alternate Members, or ex officio Members) occurs other than through the expiration of a term of office, then the office shall be filled as follows:
 - a. By appointment under this Article.
 - b. The Chair may designate an Alternate, subject to the restrictions in Section C.2., below, to fill the vacancy temporarily until the office is filled.

C. Alternate Members

Alternate Members (Alternates) shall be appointed to serve on the Planning Board and participate pursuant to the following rules (RSA 673:6).

1. In the absence or disqualification of a regular Member at any meeting of the Planning Board, the Chair shall designate an Alternate to act in the place of the absent regular Member (RSA 673:11). The Chair shall fully inform the public of the status of any alternate present and identify the Members who shall be voting on the application.

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2. Alternates shall not replace ex officio Members unless they have been selected specifically as an ex officio Alternate (RSA 673:11).
 - a. The City Councilor Alternate may sit for the City Councilor Member or the Mayor.
 - b. No Alternate may sit for the City staff Member.
3. At Planning Board meetings, Alternates who are not activated to fill the seat of an absent or disqualified Member or who have not been appointed by the Chair to temporarily fill the unexpired term of a Membership vacancy may participate with the Board in a limited capacity.
 - a. During a public hearing, Alternates may sit at the table with the regular Members and may view documents, listen to testimony, and actively participate and interact with other Board Members, the applicant, abutters and the public.
 - b. Alternates who have not been appointed by the Chair shall not be allowed to make or second motions and shall not vote.
 - c. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motions or votes that may be made.
 - d. Exception to voting restriction: Alternate Members may participate in votes when appointing an Acting Chair.

ARTICLE III: OFFICERS

A. Appointment of Officers

1. The Chair and Vice-Chair of the Board shall be elected annually during the month of January by a majority vote of the Board (RSA 673:9).
2. In the absence of the Chair and Vice-Chair, the Board will choose one (1) of its regular Members to act as Chair. If no regular Members are available to serve as Acting Chair, an Alternate may be appointed.
3. In the absence of the Secretary, the Chair shall appoint a secretary pro tem to keep records of the meeting.

B. Roles and Responsibilities

1. Chair: The role of the Chair is to maintain order throughout the meeting, enforce meeting procedures, and ensure courteous and respectful treatment of all attending the meeting. Additional duties of the Chair include, but are not limited to:
 - a. Coordinate with City staff and the Secretary regarding agendas and business of the Board outside of Board meetings;
 - b. Sign documents in the name of the Board, and;
 - c. Serve as spokesperson for the Board when dealing with outside entities such as the press, other boards, or consultants. Other Members shall refer inquiries regarding Board business to the Chair or the Planning and Development Office.
2. Vice-Chair: 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 in the absence of the Chair.
3. Secretary: City staff from the Planning and Development Office shall serve as Secretary of the Planning Board. It shall be the duty of the non-Board Member secretary to:
 - a. Keep a full and accurate record of the proceedings of each meeting including minutes and other recordings as available;

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- b. Record the names of the Members present and the names of those appearing before the Board;
- c. Prepare the agenda for the upcoming meeting with input from the Chair, issue notices of all meetings, notify applicants and abutters of hearings, and;
- d. Prepare such correspondence and fulfill such duties as the Chair may specify.

ARTICLE IV: TECHNICAL REVIEW COMMITTEE

A. Establishment of the Technical Review Committee

The following text is taken directly from Sec. 2-120 of the City Code:

Sec. 2-120. - Technical Review Committee.

- (a) The Technical Review Committee (TRC) is hereby established and authorized to assist and advise the Planning Board in reviewing, and in the case of minor site plans, approving, conditionally approving or disapproving, such minor site plans. The TRC shall be composed of technically qualified administrators appointed by the Planning Board. The TRC shall include the Planning and Development Director and representatives from relevant departments, including public works, fire, police, code enforcement, planning or similar departments, or their designees. Members of the TRC are not required to be city residents.*
- (b) All provisions of RSA 676:4 and all provisions of the Planning Board's site plan regulations shall apply to the TRC.*
- (c) The TRC shall have the discretion to refer any application, which otherwise meets the site plan regulation definition of minor site plan, that it considers as having potential for significant impact or which contains multiple uses to the full Planning Board for review and action.*
- (d) The TRC shall provide a written report of the TRC's decisions to the Planning Board at its next regularly scheduled meeting. Decisions rendered by the TRC may be appealed to the full Planning Board, provided that a notice of appeal is filed within twenty (20) days of the TRC's decision.*

B. Additional Requirements

1. The TRC shall render a decision on all minor site plans within 60 days after submission of applications, subject to extension or waiver as provided by RSA 676:4, I(f).
2. The TRC constitutes a "public body" under RSA Chapter 91-A. As such, the TRC shall comply with all statutory requirements regarding public meetings and governmental records.

ARTICLE V: MEETINGS

A. Meeting Schedule

1. The Planning Board shall meet in regular session on the second and fourth Monday of each month at 7:00 p.m. The Board shall hold at least one regular meeting each month (RSA 673:10,II).
2. A full schedule of regular meeting dates shall be prepared by the Secretary for each calendar year. This schedule shall recommend alternate meeting dates when regular meetings fall on holidays. The schedule of meetings shall be approved as presented or as amended by a majority vote of the Board.
3. *Additional meetings/hearings:* Other meetings may be scheduled by the Chair, as may be required, with agreement of the Members.

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4. All meetings are subject to public notice in accordance with RSA 91-A, II and RSA 676:4. Public notice of meetings shall be posted in a consistent and reasonably accessible location on the Board's website.

B. General Rules

1. All meetings of the Planning Board shall be held in accordance with RSA 91-A.
2. *Rules of Order:* The rules of order for all meetings shall be determined by the Chair to maintain order and to allow open, informal discussion in favor of substance rather than procedure. Any ruling of the Chair may be challenged by any Board Member. Upon such challenge, the ruling shall be voted on by the Board, with a majority vote of Members present required to overrule the Chair.
3. *Order of Business:* The business of all regular meetings of the Planning Board shall proceed in the following order:
 - a. Call to order by Chair, appointment of Acting Chair, as needed
 - b. Roll call by the Secretary, appointment of alternates by the Chair, as needed
 - c. Minutes of previous meeting
 - d. Old business and related public hearings
 - e. New business and related public hearings
 - f. Report of officers and committees
 - g. Reading of communications directed to the Board
 - h. Other business - public comment
 - i. Adjournment

The Chair shall have the discretion to rearrange the agenda should the need to do so arise. Any Member or alternate may submit a request to the Chair, during a meeting or at another time, to place an item for discussion on the agenda.

4. *Quorum:* In order to transact any business before the Board, a quorum consisting of at least five (5) Members must be present (RSA 673:10,III). The Chair shall make every reasonable effort to assemble a quorum.
5. *Officers and Employees to Attend:* Any employee or agent of the City, when requested by the City Manager or his designee or presiding officer of the Board, shall attend any regular, adjourned or special meeting of the Planning Board in order to confer with the Board on any relevant matters.
6. *Addressing the Board:* All comments to and within the Board shall be made through the Chair.
 - a. Board Members do not have to stand to be recognized to speak or to make a motion. The Chair shall recognize any Member raising his or her hand.
 - b. Any person not on the Board who is recognized by the Chair may speak.
 - c. The Chair shall rule as being out of order any person who is talking about matters not under discussion, who is making a point more than once, or is disruptive, and order them to cease and yield the floor.
 - d. At the discretion of the Chair, persons may be allowed to speak a second time to respond to earlier comments.
 - e. In some cases speaking time may be limited to ensure all those wishing to speak have the opportunity to do so.
7. *Excusal during meetings:* Any Member may leave the Board chambers while in regular session after notice to the Chair of pressing business:

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- a. If the excusal results in loss of a quorum, the meeting will enter into a recess if the absence is temporary;
 - b. If the excusal is for the remainder of the meeting and a quorum is lost, then any pending case shall be continued to a date and time certain.
8. *Voting:* Every Member present when a motion is put to vote shall vote either yes or no.
- a. Members are expected to be familiar with the business at hand and may vote on a motion regardless of prior absences.
 - b. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the Members present. A tie vote (counting all votes cast and all abstentions) shall mean that the motion fails. Voting may be by roll call, which shall be recorded in the minutes. A motion may not be withdrawn by the mover without the consent of the second.
 - c. A motion passes with a majority vote of those present.
 - d. Abstention from a vote is a Member's choice to remain silent and shall not defeat the actions of those who vote. Abstentions shall be interpreted as concurrence with the majority of votes cast. If a quorum of the Planning Board is present, then the number of Members choosing to abstain from a vote will not affect the status of the quorum. (e.g. As long as a quorum is present, a question could pass by a 1-0 vote.)
9. *Fact Finding and Requesting Information:* Board Members should not feel compelled to make hasty decisions. Everyone should feel comfortable with his/her vote; if not, obtain whatever additional information is needed before proceeding with the decision. In an effort to avoid the appearance of ex parte communication during public hearings for applications before the Board, Board Members shall abide by the following:
- a. Ask questions during Board meetings.
 - b. If questions arise outside of Board meetings, Members should forward questions to the Chair and the Secretary. The Secretary or City staff shall respond to the question at the next Board meeting.
 - c. The Board may request further information through additional studies or decide to hire an expert at the applicant's expense (RSA 676:4-b) to address questions about the application.
 - d. The question and findings shall be made available to all parties and all parties shall be given a meaningful opportunity to review and respond.
10. Board Members are encouraged to gain general knowledge about planning topics and the functioning of the Planning Board. Members may share independent research of non-application topics with the Board.
11. Electronic communication of any kind among two or more Members and/or Alternates and/or non-Members during meetings is prohibited except for emergencies. As required by RSA 91-A:2 and RSA 91-A:2-a, all discussions among Members and Alternates regarding matters over which the Board has supervision, control, jurisdiction or advisory power shall occur openly during properly-held public meetings. The purpose of this provision is to prevent violations of RSA Chapter 91-A and to avoid the appearance of such violations in all cases. The Chair shall enforce this provision and may ask that the contents of such communications be disclosed and reflected in the minutes.

C. Disqualification and Conflict of Interest

It is the desire of the City of Claremont to operate in a manner that demonstrates the highest level of professionalism and public service and avoid all circumstances which may create the appearance of impropriety or otherwise undermine its stated objective. Planning Board Member or Alternate

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participation or disqualification from his/her duties as a full Member (where an Alternate is serving temporarily as a Member) or as a non-voting Alternate shall be in accordance with the following:

1. *Abutters*: Per RSA 672:3, anyone owning or leasing land or buildings abutting a piece of property which is the subject of an application before the Board is disqualified from acting on that application.
2. *Conflict of interest or prejudgment*: No Member or Alternate shall participate in deciding or shall sit upon the hearing of any question if that Member or Alternate has a direct personal or pecuniary interest in the outcome which differs from the interests of other citizens, or if that Member or Alternate would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law (RSA 673:14).
3. Reasons for disqualification include when a Member:
 - a. Is the spouse or close family member of the applicant or any abutter;
 - b. Has assisted or advised the applicant or any abutter; or,
 - c. Is biased or prejudiced in any manner or to any degree which would, in the eyes of a reasonable and prudent person, prevent the Member from acting impartially with respect to the application before the Board.

Reasons for disqualification also includes prejudgment which occurs when a Member has directly or indirectly taken a position, formed a conclusion, or has prejudged, the application to be decided by the Board. Prejudgment includes, but is not limited to, a position taken either for or against an application expressed at a public meeting, by letter, by ex parte communication, or by comment made in some public forum. Prejudgment does not include questions or statements made by Board Members or Alternates in response to the details of the application expressed during the public hearing held on that application or during the Board's deliberations.

4. If any Member finds it necessary to disqualify himself/herself from sitting on a particular case, as provided in RSA 673:14, he/she shall notify the Chair as soon as possible so that an alternate may be requested to fill the place, but no later than when the case is brought before the Board for consideration.
5. When an uncertainty arises as to whether a Member is disqualified in particular circumstances, the Board shall, at the request of that Member or another Board Member, vote on the question, but such vote shall be advisory and non-binding. Any member of the public with a direct interest in the outcome may voice an objection to a Board Member's participation, setting forth specific reasons, and may also request such a vote, but such a request shall be non-binding. Any such request or objection shall be made either prior to or at the commencement of the public hearing, or at such later time as the facts claimed to warrant disqualification first become known. No such vote shall be required if the Member involved steps down voluntarily.
6. The disqualification shall be announced by either the Chair or the Member before the discussion or the public hearing on the application begins. The Member who is disqualified shall remove himself/herself from the Board, and shall sit with the public until such time as the Board has completed its consideration of the application at that meeting. The Member may then return to the Board. If as a result of disqualification the Board loses its quorum, then there shall be an adjournment or recess of consideration of the matter until there is a quorum either at the same meeting or the next available meeting.

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D. Site Visits

A site visit is defined as a visit, in an official capacity, by Members or Alternates to a location that is subject to Board review.

1. Board Members may conduct individual site visits without entering the property in the course of reviewing an active or pending case before the board.
2. The Board may determine a site visit is necessary for the adequate consideration of an application during a public hearing. When a site visit is necessary:
 - a. The Board shall schedule the site visit so the applicant and the applicant's agents have the opportunity to attend.
 - b. The site visit shall be posted and conducted as a public meeting. Minutes shall be taken if there is a quorum of Members present.
 - c. The Board shall refrain from discussing the merits of the case during the site visit, except obtaining information about the site. Any testimony, motions, or directives to an applicant or interested parties should be made at the subsequent public hearing for the case.
3. The practice of an applicant directly contacting a member to invite that Member to visit a property without prior approval from the Board shall be discouraged as inappropriate conduct and may lead to disqualification of the Member.

E. Submission of Supplemental Information

1. An applicant or applicant's agent may submit additional information pertaining to an application either received by the deadline or already on the agenda for a scheduled hearing no less than ten (10) days prior to that hearing. Failure to do so may result in the additional information not being considered at the hearing and the case may be continued to the next scheduled meeting.
2. No such submission limitations shall be imposed upon an abutter or other party wishing to submit comments or information about the subject application at the public hearing.
3. During the meeting when the subject application is being heard the Board shall consider granting a continuance to the next scheduled Board meeting to permit the City staff, Board, abutters, and other parties time to review the new information.

F. Committees

Special purpose and study committees which the Planning Board may, from time to time, deem necessary in order to conduct its business shall be appointed by the Chair; and any such committee shall cease to exist when its final report is acted upon by the Board or at the next organizational meeting whichever is sooner, unless otherwise voted by the Board. Each such committee is a public body under RSA Chapter 91-A and is subject to the provisions regarding public meetings and governmental records.

ARTICLE VI: COMMUNICATIONS BETWEEN MEETINGS

A. Purpose

1. To ensure compliance with the letter and spirit of 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;

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3. To clarify the role of electronic media such as e-mail in achieving these goals, Members will abide by the following.

B. Allowable Communications

Nothing in this policy prevents any distributions, communication, or ex parte communications which pertain solely to: scheduling of meetings or hearings, determination or ordering of agenda items or topics to be taken up at meetings or hearings, or general procedural requirements pertaining to such scheduling and agenda matters.

C. Rules Concerning Communications

1. Individual Board Members may, between meetings, prepare drafts of motions or other potential Board actions. Members may also research or investigate general information not related to an existing or pending case to be heard by the Board. If a question pertaining to a matter before the Board arises, then the Member shall follow "*Fact Finding and Requesting Information*," in Article V: Meetings, above.
2. A distribution may be made to any number of Board Members or Alternates, so long as it does not request a response or raise an expectation of a response between meetings. Whenever a Member or Alternate makes a distribution concerning a pending or future case and it involves a quorum of the Board (counting all senders and recipients):
 - a. The Member or Alternate 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,
 - b. Parties to the case shall be given a meaningful opportunity to respond to the information in the distribution.
 - c. All substantive discussions among Board Members and Alternates regarding the contents of a distribution shall occur during a Board meeting.
3. Communication means a transfer of information 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.

Communications between meetings, or a series of communications, involving more than one Board Member or Alternate which requests a response or raises an expectation of a response involving a quorum or more of the Board or of any Planning Board Committee, are prohibited. Such communications shall be considered deliberations and shall occur only at meetings noticed in accordance with RSA 91-A.

4. Ex parte communication is communication, other than at a legally-noticed meeting, between a Member or Alternate and a person with an interest in, or affected by, a pending or future case. Members and Alternates shall make every reasonable effort to protect their neutrality by avoiding discussions about actual cases.

Members and Alternates shall not initiate ex parte communications. If an ex parte communication is initiated by another person, the Member or Alternate contacted shall:

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

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ARTICLE VII: APPLICATION AND FORMS

A. Application

1. The applicant shall file the application with the board and applicable fees at least fifteen (15) days prior to the meeting at which the application will be accepted.
2. Each application before the Board shall be made on forms provided by and available from the City and shall be presented to the Secretary or duly appointed City representative, with any applicable fees. The Secretary shall record the date of receipt of the application over his/her signature upon full payment of the fees.
3. All applications shall be submitted pursuant to the application deadline for the hearing date when the applicant wishes to be heard as published in the schedule approved by the Board each year. The hearing schedule shall be available from the City upon request.
4. Each application is subject to the submission requirements and procedures outlined in the Site Plan, Earth Excavation, Subdivision Regulations, and other applicable portions of the City Code. (RSA 676:4)

B. Forms

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

ARTICLE VIII: NOTICE AND SCHEDULING

Notice and scheduling shall be in accordance with RSA 676:4. Since such costs of notice for, and scheduling of, a public hearing are a part of the application, notice will not be sent and the hearing will not be scheduled until the costs are paid in full.

A. Notice

1. Public notice of a public hearing shall be posted in the Planning & Development Department, City Hall, published in a newspaper or other publication of general circulation in Claremont, and to a consistent and reasonably accessible location on the Board's website not less than ten (10) days prior to the public hearing (not including the day of the posting or the day of the hearing or legal holidays).
2. The notice shall include the name of the applicant, the description of the property, including the tax map identification, a general description of the proposal which is subject of the application, and the date, time and place of the hearing.
3. Personal notice shall be made by certified mail to the applicant, all holders of conservation, preservation or agricultural preservation restrictions on the subject property, all abutters, and any professional whose seal appears on any plat submitted to the Board in connection with the application, not less than ten (10) days prior to the date fixed for submission of the application to the Board.

(Note: RSA 676:4 permits the Planning Board to combine the notice of submission with the notice of the public hearing by stating that if the application is accepted as complete, it will be on the agenda of each Planning Board meeting until a decision is made. The date of the public hearing must also be included on the notice. Otherwise, separate notices must be given to the applicant and abutters by certified mail for submission, public hearing, and each time the application is on the agenda.)

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B. Scheduling

1. A public hearing shall be held within thirty (30) days of receipt of the application by the City. The application shall be scheduled for hearing at the next regular meeting in accordance with the hearing schedule and submission deadline.
2. In the event, for whatever reason, a hearing is not able to be held within thirty (30) days of submission of the appeal, the applicant may waive the thirty-day requirement in writing. In the event there is no such waiver, the Chair and Secretary shall schedule a special meeting of the Board and the applicant shall be required to pay any additional costs for the special meeting.
3. In the event an applicant, for good cause shown, is unable to attend the scheduled public hearing, he/she may submit written request prior to the public hearing that the hearing be rescheduled to the next meeting of the Board.
 - a. Such written request shall be considered voluntary waiver from the requirement to hold a hearing within thirty (30) days of receipt of the application.
 - b. The applicant may be required to pay any additional costs for the rescheduled public hearing.

ARTICLE IX: PUBLIC HEARINGS, WORK SESSIONS, AND JOINT MEETINGS

A. Public Hearings

1. A public hearing shall occur only during a properly held public meeting in compliance with RSA Chapter 91-A.
2. When addressing an application that has been submitted to the Board, the Chair shall first read the public notice.
3. The Chair shall determine that the applicant/agent is present. If neither is present, then the Board may decide to continue with the public hearing or table or continue the public hearing.
 - a. Any party may appear in person or through an agent or attorney. If the applicant does not appear before the Board, written authorization for an agent or attorney to appear on the applicant's behalf must be received by the Board prior to the start of the public hearing.
4. The Chair shall assess if a quorum is present due to absence or disqualification of Members. Alternate Members shall be assigned to fill vacancies as needed to address the application.
5. The Board shall determine if the submitted application is complete and meets the submission requirements of the respective land use regulations.
 - a. If the Board finds the application is incomplete, notice of that decision shall be issued to the applicant identifying all deficiencies. If the applicant or applicant's agent is present at the meeting when that decision is made, the Board may, with the applicant's consent, table the application until the next regular Board meeting to give the applicant an opportunity to submit the missing information within the time limits of Article V(E) above. No additional notice shall be required.
 - b. If the Board determines that the application is complete, the Chair may then (at that meeting or at a future meeting, as the Board decides) declare open the public hearing on the application.
6. Staff presents a summary of the application and issues presented. Members and Alternates may ask questions at any point during the presentation.

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7. The Board shall decide whether the proposed project qualifies as a development with potential regional impact.
 - a. If the Board determines a project has potential for regional impact, then additional abutters shall be identified and notified of the case per RSA 36:54-:58.
 - b. The Chair shall inform the applicant that the hearing/case will be continued automatically to a later public meeting to accommodate the statutory notice process.
8. Next, the Chair shall read the abutters' list.
9. Subject to the provisions below, any applicant, any abutter, and any person with a direct interest in the matter may testify in person or in writing. Representatives of City departments and other City boards and commissions who have an interest in the application shall be allowed to present their comments in person or in writing. Other persons may testify as permitted by the Board at each hearing.
10. The applicant/agent presents the application. Members and Alternates may ask questions at any point during the presentation.
11. Persons in favor of the application are recognized to submit testimony, and correspondence in support of the application is noted for the record.
12. Persons opposed to the application are recognized to submit testimony, and correspondence in opposition to the application is noted for the record.
13. Persons in favor of or opposed to the application may speak for a second time only after everyone present who wishes to speak a first time has been heard.
14. The applicant/agent shall be given an opportunity to respond to testimony presented by others.
15. Members and Alternates may ask questions at any point during presentations by the applicant/agent, other parties, and others who speak.
16. Each person who appears before the Board during a hearing shall be required to state his/her name and address and indicate whether he/she is a party to the case or an agent or counsel of a party to the case.
17. All questions during the hearing from one party to another must go through the Chair.
18. A hearing may be continued to a later session or sessions as required to accommodate all who wish to speak or for the applicant to provide additional information or correct deficiencies. Additional notice is not required if the date, time and place of the continuation is made known at the time the decision to continue is made.
19. Once all testimony and other information has been submitted to the Board, the Chair shall declare the public hearing closed.
20. The Chair may then commence deliberation by the Board during which the Board is invited to review the facts of the case.
 - a. The Board may vote to reopen the public hearing if the Board agrees additional information from any party is necessary to reach a decision. The Chair shall declare the public hearing closed once additional information is received to the Board's satisfaction.
 - b. After discussion, the Chair may entertain motions to approve, approve with conditions, deny, table, or continue the application.
21. If at any point before reaching a decision on the application the Board reasonably determines that it needs more information to complete its consideration of the application, deliberations

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shall be suspended and the applicant shall provide it at the applicant's expense. Failure to provide the requested information is grounds for denial of the application.

B. Work Sessions, Review and Adoption of Amendments

1. Work sessions are public meetings under RSA Chapter 91-A and shall comply with all statutory requirements.
2. The Planning Board shall hold at least one hearing to receive public comment before adopting regulations and plans or approving amendments.
3. After review of the document or the work session is completed the Chair shall invite public comment.
4. The Board shall discuss whether public comments received should be incorporated into the document and to:
 - a. Close the public hearing and vote, or;
 - b. Continue the public hearing for further consideration.

C. Joint Meetings and Hearings

5. An applicant may petition two or more Boards to hold a joint meeting when the permit application(s) and/or appeal(s) are within the jurisdictions of those Boards. Boards subject to the petition should honor the request in deference to the applicant.
6. The Board may request joint meetings and hearings with other "land use boards" including the Zoning Board of Adjustment, the Historic District Commission, and the Building Code Board of Appeals. Each Board shall have discretion whether or not to hold a joint meeting (RSA 676:2).
 - a. 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.
 - b. A joint public hearing must be a formally-noticed public hearing when the subject matter of the hearing is within the jurisdiction of the boards convened.
7. The Planning Board Chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.
8. 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:
 - a. Call to order by Chair;
 - b. Introduction of Members of all Boards by Chair;
 - c. Explanation of reason for joint meeting/hearing by Chair;
 - d. Conduct of public hearing/meeting agenda shall be according to the agenda and procedure as determined by the Chairs of the participating Boards prior to the joint meeting;
 - e. Adjournment.
9. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter. Deliberations and Board decisions may take place at another time after close of the public hearing if said proceedings are scheduled for a date and time certain in accordance with the respective Board rules of procedure.

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ARTICLE X: DECISIONS

The Board shall act to approve, conditionally approve, or deny an application. The Board shall render a decision within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in RSA 676:4. Notice of decision will be made available for public inspection at (location) within 5 business days after the decision is made, as required in RSA 676:3. If the application is disapproved, the Board shall provide the applicant with written reasons for this disapproval.

ARTICLE XI: RECORDS

The records of the Board shall be kept by the Secretary and shall be made available for public inspection at the (office of the Board, or office of the City Clerk) as required by RSA 91-A:4.

Minutes of the meetings, including the names of Board Members, persons appearing before the Board and a brief description of the subject matter, shall be open to public inspection in the Planning and Development Department within 5 business days after the meeting as required in RSA 91-A:2, II and RSA 676:3. Additionally, approved minutes shall be posted on the Board's website, in a consistent and reasonably accessible location (RSA 91-A:2, II-b(a)).

ARTICLE XII: SUSPENSION AND AMENDMENT

A. Rule Suspension

The Planning Board may suspend any of these rules of procedure for a specific purpose by a unanimous vote of the Members present. Suspension of these rules shall not contradict or violate applicable state laws or the City Code.

B. Rule Amendments

The Board's rules of procedure may be amended by a two-thirds (2/3) vote of its Members. The Board shall hold a public hearing prior to adoption of new rules or amendment of existing rules. Notice for the time and place of the hearing shall be as provided in RSA 675:7.