

**CITY OF ROCHESTER PLANNING BOARD
BYLAWS**

ARTICLE I - Name and Function of Board

Section 1. Name. The Board shall be known as the Rochester Planning Board, hereinafter sometimes referred to as the "Board".

Section 2. Function of the Board. The Rochester Planning Board shall perform the duties assigned to planning boards under the provisions of Title LXIV of the New Hampshire Revised Statutes Annotated relative to "Planning and Zoning", including, but not limited to, the duties specified in Chapter 674 of the New Hampshire Revised Statutes Annotated.

ARTICLE II - Membership

Section 1. Membership. The membership of the Rochester Planning Board shall consist of nine (9) members and up to five (5) alternates appointed in accordance with the provisions of R.S.A. 673:2, R.S.A. 673:6 and Sections 3.5 and 41.1 of the General Ordinances of the City of Rochester.

Section 2. Terms of Members. The terms of office of members and alternate members of the Rochester Planning Board shall be as provided in R.S.A. 673:2, R.S.A. 673:6 and Sections 3.5 and 41.3 of the General Ordinances of the City of Rochester.

Section 3. Filling Vacancies in Membership. Vacancies in the membership of the Rochester Planning Board, occurring other than through the expiration of a term of office, shall be filled in accordance with the provisions of R.S.A. 673:12 and Section 41.5 of the General Ordinances of the City of Rochester, by the original appointing or designating authority, for the unexpired term. In accordance with RSA 673:12, the chair may designate an alternate member of the board to fill a vacancy on the board temporarily until the vacancy is permanently filled. If the vacancy is for an ex officio member, the chair may designate only the person who has been appointed to serve as the alternate for the ex officio member.

Section 4. Designation of Alternate Members. Whenever a regular member is absent, or whenever a regular member disqualifies himself/herself, the chair shall designate an alternate, if one is present, to act in the absent member's place. The City Council alternate shall act only in the place of the City Council regular member.

Section 5. Removal of Members. In accordance with the provisions of R.S.A. 673:13, after public hearing, appointed members and alternate members of the Rochester Planning Board may be removed by the appointing authority upon written findings of inefficiency, neglect of duty or malfeasance in office. The City Council may, for any cause enumerated in this section, remove the Council member selected by it.

Section 6. Removal of Members - Unexcused Absences. In the event any Planning Board member has unexcused absences from three or more meetings in one calendar year, the Planning Board may recommend removal of that member per RSA 673:13. If a member has requested and received specific authorized leave from the chair, then his/her absences are considered excused absences.

ARTICLE III - Officers

Section 1. Officers. In accordance with the provisions of R.S.A. 673:8, the officers of the Rochester Planning Board shall consist of a Chair, Vice-Chair, and a Secretary who shall be elected during the annual meeting.

Section 2. Chair. The Chair shall be elected annually by a majority vote of the Board in the month of January. He/She shall preside over all meetings and hearings, appoint such committees as directed by the Board, and carry out other duties appropriate for the chair.

Section 3. Vice Chair. In the absence of the Chair, the Vice-Chair shall preside at all meetings and hearing of the Board, and shall assume the duties of the Chair during such proceedings.

Section 4. Secretary. The Secretary shall be responsible for administrative tasks and other duties as may be assigned by the Board.

Section 5. Acting Secretary. In the absence of the Secretary, the Chair shall appoint an Acting Secretary who will perform the duties of the Secretary.

Section 6. Chain of Command. In the absence of the Chair, the order of succession shall be as follows:

1. Vice-Chair
2. Secretary
3. A member elected by a majority of the members present at the meeting of the Board.

The person acting as Chair pursuant to this section shall assume the duties of the Chair.

Section 7. Vacancies Among Officers. Should the office of Chair, Vice-Chair or Secretary become vacant, the Board shall elect a successor from its membership to serve the unexpired term of said office.

ARTICLE IV - Meetings of the Board

Section 1. Regular Meetings. Regular meetings of the Board shall be held on the first Monday of each month at such time and place as the Board shall designate in the official notice of such meeting posted and otherwise noticed pursuant to and in accordance with the provisions of Chapter 91-A of the New Hampshire Revised Statutes Annotated. In the event that such day is a legal holiday or for other good cause, the regular meeting of the Board shall be held on the second Monday of such month. The first meeting of the calendar year shall be held on the first Monday following the first Tuesday (in order to give the City Council an opportunity to fill expired positions).

Section 2. Workshop Meetings. Workshop meetings of the Board shall be held on the third Monday of each month (or at such other time as may be more convenient) at such time and place as the Board shall designate in the official notice of such meeting posted and otherwise noticed pursuant to and in accordance with the provisions of Chapter 91-A of the New Hampshire Revised Statutes Annotated.

Section 3. Special Meetings. Special meeting of the Board shall be held at the call of the Chair at such time and place as designated by the Chair in the official notice of such meeting posted pursuant to and in accordance with the provisions of Chapter 91-A of the New Hampshire Revised Statutes Annotated. Special meetings of the Board may also be called by the Chair or Secretary upon written request of three (3) members, made to such officer in writing. Notice of any such special meeting shall

be posted and otherwise noticed pursuant to and in accordance with the provision of Chapter 91-A of the New Hampshire Revised Statutes Annotated and mailed to all members and alternates of the Board at least five (5) days prior to the date of such.

Section 4. Annual Meeting. There shall be an annual meeting of the Board held during the regular workshop meeting in January each year unless otherwise scheduled by the Board. The meeting shall be held for the purpose of election of officers, review of reports, and the transaction of other appropriate business. Officers shall be elected by majority vote of the members present. All votes shall be by private ballots unless otherwise determined by the Board.

Section 5. Quorum. At all meetings of the Board, either regular, workshop or special, five (5) members, including alternates sitting in place of members, shall constitute a quorum for the conduct of business.

Section 6. Lack of Quorum. If a quorum is not present, the Chair may adjourn the meeting to a day and hour fixed by the Chair.

Section 7. Order of Business. Unless otherwise specifically stated in the notice/agenda of the meeting, the order of business for all meetings of the Board shall be as follows:

- I. Call to order (by the Chair)
- II. Roll call
- III. Seating of alternates
- IV. Communications from the chair
- V. Opening discussion/comments (up to 30 minutes): *[Item V for workshops only]*
 - A. Public comment
 - B. Discussion of general planning issues
- VI. Approval of minutes (of the previous meeting)
- VII. Consent agenda
- VIII. Continued applications
- IX. New applications
- X. Other business
- XI. Adjournment

Section 8. Consent Agenda. Any Planning Board agenda item which, in the judgment of the Planning Board Chair or the Planning Department, represents a simple, straightforward matter may be placed on the Consent Agenda section of the agenda for recommended Planning Board action. All items appearing on the Consent Agenda of any meeting may collectively be passed by a majority vote of the Planning Board. No item shall remain on the Consent Agenda if any member (voting or alternate) for any reason requests that the particular item be removed therefrom. The chair may entertain points of order designed to clarify the effect of a vote provided that at the chair's discretion the point of order will not engender further debate or comment. Any item removed from the Consent Agenda shall be taken up separately on the agenda after the Consent Agenda items unless the board votes to consider it elsewhere on the agenda.

Section 9. Minutes. The Clerk of Records shall prepare a preliminary draft of the minutes, stamped "Preliminary" or "Draft", for presentation to the board. Pursuant to RSA 91-A:2 II., these minutes shall be prepared and made available for the public within 5 business days after the meeting. Minutes for the

prior meeting(s) are reviewed at both regular meetings and workshops. Once the Board has approved the minutes or approved the minutes with changes the Clerk of Records shall place a copy of the approved minutes, incorporating any changes, into a permanent file. The Clerk of Records shall sign his/her name on the minutes as the party drafting them and submitting them to the board. The Secretary of the Board may also sign his/her name if desired.

Section 10. Manner of Voting. At the discretion of the Chair, or upon the request of any member, voting by the Board shall be by roll call vote, the results of which shall be recorded in the minutes.

Section 11. Disqualification of Member.

- (a) In accordance with the provision of R.S.A. 673:14, no member of the Rochester Planning Board shall participate in deciding, or shall sit upon the hearing, of any question which the Board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if such member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification do not include exemption from services of juror or knowledge of the facts involved gained in the performance of the member's official duties.
- (b) When uncertainty arises as to the application of paragraph (a) above to a Board member in particular circumstances, the Board shall, upon the request of that member or another member of the Board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding, and may not be requested by persons other than Board members, except as provided by local ordinance or by a procedural rule adopted under R.S.A. 676:1.
- (c) Any member disqualified pursuant to this section shall absent himself from the Board table during the public hearing and during all deliberations on the matter in question. Such disqualification shall be noted in the minutes of the hearing.
- (d) In the event that any Planning Board member is absent from more than two (2) meetings in one calendar year (unless the member has requested authorized leave), the Planning Board may recommend removal of that member per RSA 673:13.

ARTICLE V - Miscellaneous

Section 1. Applications. Staff shall keep the board informed about change in status of each conditionally approved application as specifically requested by the board.

Section 2. Communications to Board. All communications to the Board, including applications, petitions, emails, (when specifically directed to the board or appropriate for the board's information, at the reasonable discretion of staff) or other referrals, shall be directed to the Planning Department and shall thereafter be provided to the Board by such Department.

Section 3. Reconsideration. A motion for reconsideration of a vote may be presented by any voting member on the prevailing side of said vote. Any such motion must be made no later than the adjournment of the next scheduled meeting.

Section 4. Site Visits. Visits to specific sites shall be announced and scheduled for a time and date set forth by the Chair. Site visits are an extension of the board meeting and are open to the public. If there is a quorum present then minutes are to be taken by the secretary (or staff), then approved, and recorded at the next scheduled meeting.

Section 5. Suspending Rules. Bylaws that are not preempted by state law, and provisions of Roberts Rules, may be suspended by a two thirds vote of the board.

Section 6. Roberts Rules of Order. The latest edition of Roberts Rule of Order shall govern any situation which may not be covered by these bylaws.

Section 7. Applicability. The provisions of these By-Laws shall be subject to the provisions of any applicable federal, state or local law, regulation or ordinance.

Section 8. Fiscal Agent. The Planning Director or his/her designee shall act as Fiscal Agent to the Planning Board and carry out duties assigned to him/her as directed by the Planning Board.

ARTICLE VI - Amendments

Amendments. These Bylaws may be adopted, amended, repealed, or altered, in whole or in part, by a majority vote of the Board at a regular meeting, provided that notice of the proposed change of such Bylaws is contained in the notice of such regular monthly meeting.

History

Adopted March 19, 1991

Extensive amendments approved January 22, 2007

Amendment to fill temporary vacancy approved November 2, 2009

Amendments regarding removal of members – unexcused absences, order of business, and minutes adopted March 1, 2010

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