FINAL

LEBANON PLANNING BOARD
MEETING ROOM ONE, CITY HALL
OR REMOTE VIA MICROSOFT TEAMS
LEBANNONNH.GOV/LIVE
MONDAY, JUNE 24, 2024 6:30 PM

MEMBERS PRESENT:	Andrew Faunce (Chair), Richard Ford Burley (Vice Chair), Jeremy Rutter, Patrick Kennelly, Karen Zook (City Council Rep), Brandon Hill, Kathie Romano
MEMBERS ABSENT:	None
STAFF PRESENT:	Tim Corwin (Deputy Planning Director)

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1. CALL TO ORDER

Chair Faunce called the meeting to order at 6:30pm.

Mr. Corwin reviewed the City's meeting in-person and REMOTE attendance policies and procedures.

Chair Faunce noted that a new Planning Board Representative should be named to the West Lebanon Advisory Committee (WLAC), since Laura Stavis has vacated her seat on the Planning Board and will no longer be the Planning Board Representative on the WLAC.

A MOTION was made by Richard Ford Burley to appoint Andrew Faunce as the Planning Board Representative on the West Lebanon Advisory Committee. The Motion was seconded by Kathie Romano.

****The MOTION was approved (7-0).***

2. STUDY ITEMS

A. Draft Amendments to Planning Board Rules of Procedure

The group continued its review (which began in April) of the Rules of Procedure information provided in the agenda packet for the meeting. Mr. Corwin said the review of the procedures will probably continue over the next few meetings and then move forward toward a final updated draft to be presented to the City Council for approval.

The following items were discussed:

The group discussed the difference between non-public meetings and non-meetings.

Items 2.1 Regular Members – The group discussed how an "ex-officio" member is considered a regular member when determining a quorum. Mr. Ford Burley said the City's legal counsel is being consulted about revising the language to remove the inclusion that the City Manager nominates Planning Board members. Mr. Corwin said there could be a statutory change that would alter the language of this item to reflect how the City currently operates when nominating members.

ARTICLE II **MEMBERS AND ALTERNATES**

2.1 **REGULAR MEMBERS.** The Planning Board shall consist of nine (9) regular members, namely eight persons who shall be appointed by the City Council, by majority vote, upon nomination by the City Manager, and one member of the City Council who shall be selected by it as a member ex-officio with voting privileges.

2.2 **ALTERNATE MEMBERS.** Alternate members of the Board shall be appointed by the City Council, by majority vote, upon nomination by the City Manager. Alternate members shall join the regular members in all presentations, public hearings, and discussions except that such alternates may not vote on any proposal or motion before the Board unless so directed by the Chair and shall not participate in the Board's deliberations once the public hearing has closed. In the absence of any regular member, except the ex-officio member of the City Council, the Chair shall appoint an alternate member to fill such vacancy. Said alternate shall then act as a regular member.

2.3 All members of the Planning Board shall be residents of the City of Lebanon and shall be sworn in and take an oath of office as required by RSA 42:1.

Item 2.4 Attendance – Mr. Rutter noted that members attending remotely are required to state for the record if anyone else is in the room with them. Mr. Corwin said that should be added to this item.

2.4 **ATTENDANCE.** A Board member may be excused for non-attendance ~~of~~ at a meeting ~~or hearing~~ for valid reasons if he or she notifies the Chair ~~or Clerk~~ and Staff at least 24 hours prior to the meeting ~~or hearing~~. Any Board member may leave the Board chambers for pressing business while in regular session after notice to the Chair. After three (3) unexcused absences within a given member's term, the Chair shall notify the City Council. At the discretion of the Chair, Board members may attend and take part in any Board meeting remotely, if it is technologically feasible and reasonable to do so and if a quorum is physically present, subject to these Rules and NH RSA 91-A. Members attending remotely must state for the record why their attendance is not practical and the Chair shall ask if any other Board member has a concern or objection regarding the absent member's virtual attendance.

Item 2.5 Training & Item 2.6 Removal of Members – The edits were accepted as presented.

2.5 **TRAINING.** All newly-appointed Board members shall attend one (1) orientation meeting with the Planning and ~~Zoning~~ Development Director, prior to sitting as a member of the Board, unless waived or extended by the Chair at the request of the Planning and ~~Zoning~~ Development Director.

2.6 **REMOVAL OF MEMBERS.** A Board member may be removed from the Board by the City Council, after a public hearing on the matter, upon written findings of inefficiency, neglect of duty, or malfeasance in office, in accordance with RSA 673:13.

Item 3.1 Election of Officers - The group discussed the final sentence and agreed to accept it as presented.

ARTICLE III **OFFICERS AND DUTIES**

3.1 **ELECTION OF OFFICERS.** At the annual meeting, the Board shall elect a Chair and a Vice-Chair from the regular members and such other officers as it may deem necessary; but in case of failure to elect at the time specified, the election shall take place at the next meeting. The Chair and the Vice-Chair, shall hold their respective offices until the next annual meeting after election or until their successors are elected and qualified. They shall perform such duties as the Board may prescribe. ~~The office of Chair and Vice-Chair shall be held by an individual for no more than three consecutive terms per office unless waived by the Board.~~

Item 3.2 Duties of the Chair
The group accepted the edits as presented.

3.2 **DUTIES OF THE CHAIR.** The Chair shall call the meeting together, preside over all meetings and hearings of the Board, put all questions to a vote, maintain order, decide all questions of order and procedure, subject to these rules, and shall appoint any committees found necessary to carry out the business of the Board.

The Chair may present to the Board such matters as in the Chair's judgment require attention.

At the request of any Board member, the Chair shall direct that the yeas and nays be taken and entered on the record on any question before the Board.

When the Board has no established rule of parliamentary practice, the Chair ~~shall be~~ may seek guidance from ~~guided as nearly as may be by~~ Robert's Rules of Order as may be appropriate and helpful. Robert's Rules of Order shall be used as a reference only and shall not bind the Chair or the Board in any manner. ~~, which may be simplified by the Chair as deemed necessary and appropriate. In the event of a challenge by a Board member of any modification of Robert's Rules by the Chair, Robert's Rules shall prevail~~.

The Chair shall exercise a general supervision over the business~~, papers, and property~~ of the Board and shall execute all formal documents on behalf of the Board.

Item 3.4 Duties of Staff – The group decided to delete the word "addresses" in the second paragraph and amend the line to read to "names and relevant affiliations." The group discussed how staff does not necessarily act as recording secretary for many City meetings. Ms. Romano said the Board has not often stated "a summary of facts upon which a decision is based" prior to voting during meetings, and noted that legal counsel had advised the Board to do that. Mr. Corwin said he is reviewing that part of Item 3.3 because he said the motions made during a meeting should include sufficient facts to show why the decisions were determined. He said he would bring this item back to the Board for discussion after his review.

DUTIES OF STAFF. Staff shall be in attendance at every meeting of the Planning Board as defined by Article IV of these Rules and shall arrange for the City Engineer to be present at the Board's regular meetings and as needed. Subject to these Rules and at the direction of the Board, staff shall act to support the Board. This support shall take such forms as necessary to ensure that the Board's actions and decisions are made in an educated and well-informed manner, including but not limited to: preparing reports and other duties as directed by the Chair; issuing forms as necessary for the Board's functions; compiling relevant information, maps, and records for the Board's review; sending such notices as required by law; keeping the minutes of all Board actions and proceedings; and keeping records of its examinations and other official actions.

Staff shall take such steps as necessary for the recording of meetings and the creation of complete and accurate minutes, including the provision of a recording secretary. Minutes shall, at a minimum: comply with the minimum requirements of NH RSA 91-A; show the vote of each regular member upon every question, or if absent, disqualified, or failing to vote so indicate; include the names and addresses of all witnesses; and include a summary of the facts on which a decision is based, as well as the decision rendered. Said draft minutes will be submitted to the Board for acceptance at the next regular meeting of the Board.

Item 3.4 Clerk – Mr. Corwin explained that the new text presented replaces the current text for this item. Mr. Rutter asked if there would be any written record of requests for information that are made. Mr. Corwin said all emails to

~~The Clerk~~LiaisonStaff, in consultation with the Chair, shall prepare the agenda for each meeting, provide all supportive documentation, and deliver said materials to each Board member no later than the Thursday preceding any scheduled Monday meeting. ~~The Clerk~~ Liaison Staff shall also make public notice of the agenda of each meeting in accordance with the appropriate regulations. Any Board member may request and have placed on the agenda any item for discussion with the approval of the Chair.

Requests for assistance from Staff in matters before the Board shall be made by the Board either by consensus or motion duly passed. Requests for information may be made to Staff by any Board member.

~~The Clerk~~ LiaisonStaff shall perform other duties as directed by the Chair.

City employees are considered public and can be obtained by someone seeking information via RSA 91-A.

Items 3.5 through Item 4.4 - The group discussed slight changes to what was presented and agreed to accept the edits for these items.

Items 4.5 through Item 4.6 - Mr. Corwin noted that the Site Walks paragraph is new, and the **Open Meetings Item** should be **Item 4.7**. Mr. Corwin said he disagrees with the inclusion that, if fewer members than what constitutes a quorum go on a Site Walk, a public report must be submitted of the walk at the next meeting. The group discussed what the responsibility is to report back to the Board after a Site Walk. Mr. Ford Burley said he would look into this item more thoroughly.

4.5 **PLACE OF MEETING.** Meetings of the Board shall normally be held at City Hall, in the City of Lebanon, or at some other public place in the City of Lebanon, or, pursuant to Section 4.6, at the site of a proposed project for the express purpose of inspecting said site as part of the review for a proposed project.

4.6 **SITE WALKS.** Site Walks at which a quorum of regular Board members are in attendance shall constitute meetings as defined by Article 1.~~3~~4 of these rules, and shall therefore be posted and conducted according to these rules, including the taking of minutes. Site Walks conducted by fewer members than constitute a quorum shall ~~make~~require a public reporting of the Walk at the next regular meeting. No decisions shall be made concerning an application during a Site Walk.

4.6 **OPEN MEETINGS.** All meetings of the Board and its committees shall be open to the public except as stipulated by ~~State Law~~NH RSA 91-A.

Items 5.1 through 5.3 The group discussed the idea being considered in the Town of Norwich where the number of attendees that constitutes a quorum can include remote attendees. The group agreed to amend the language of **Item 5.2** to read "A quorum shall consist of a minimum of five (5) members"

5.1 **CALL TO ORDER.** Meetings shall be called to order by the Chair, or in the Chair's absence, by the Vice-Chair. In the absence of both, ~~the Clerk Liaison or staff member~~staff shall call the meeting to order after which those Board members present may elect a Chair pro tem.

5.2 **QUORUM.** ~~The~~ As a public body subject to RSA 91-A, the Board shall only conduct a meeting and transact business when a quorum is physically present, unless that meeting constitutes an "emergency" as defined by and subject to RSA 91-A:2, III. A quorum shall ~~be at least~~consist of ~~a majority of the total membership~~five (5) members of the Board including ex-officio members and ~~of the Board including~~ alternate members sitting in place of regular members.

5.3 **ORDER OF BUSINESS.** For each regular meeting the order of business, unless otherwise ordered by the Chair, shall be as follows, and shall be ~~shown~~ so presented on the agenda:

1. Call to Order
2. Notice of Regional Impact
3. ~~Continued Applications –~~ Public Hearings Items
~~4. New Applications – Completeness Reviews and Public Hearings~~
~~5~~4. Other Business ~~Approval of Minutes~~
~~6~~5. Approval of Minutes ~~Other Business~~
~~7~~6. Adjournment

Items 5.4 Presentations During Public Hearings - The group discussed when the public hearing should be opened and closed, and the difference between "public hearing" and "public comment." Mr. Ford Burley said the public comment time is a portion of the public hearing. Mr. Corwin said this item now more closely reflects the Board's current procedures.

The suggestion was made to change "shall" to "may" in **Item A**. The group discussed the different meanings of "shall" and "may" and Mr. Corwin said he would continue to review what is most appropriate.

A suggestion was made to add the word "unless" after "normally be in effect" to potentially include conditions that may affect whether the three-minute time limit is enforced for commenters in **Item C**.

5.4 PRESENTATIONS DURING PUBLIC HEARINGS.

A. **PRESENTATIONS.** Prior to the opening of a Public Hearing, the Chair shall invite Staff to briefly describe the proposed hearing item to the Board. The Chair shall then open the Public Hearing and invite the Applicant or other Representative for the proposed hearing item to give a brief presentation to the Board, which shall be adequate so as to inform all community stakeholders, abutters and members of the public alike, as to the nature of the proposed item, including existing conditions and proposed changes, in order that they may comment on it.

B. **STAFF AND BOARD QUESTIONS.** After the presentation of the item, the Chair shall invite Staff to raise to the Applicant or other Representative any outstanding questions that the Planning & Development Department Staff still have concerning the item, which the Applicant or other Representative shall answer. Once the Staff questions have been answered, the Chair shall invite members of the Board to ask questions concerning the item, and invite the Applicant or Representative to respond.

C. **PUBLIC COMMENT.** After the Applicant or Representative has had a chance to address all of the Staff and Board questions and comments, the Chair shall invite any members of the public, in person or attending remotely, to speak on the item. Any questions should be addressed to the Chair, who will then invite the Applicant or Representative to address the issue if necessary. A time limit of three minutes for each commenter shall normally be in effect, and the Chair will ensure that the commenter and Applicant or Representative do not engage in back-and-forth commentary or argument. After a given commenter has finished speaking, the Chair may invite the Applicant or Representative to respond, at the Chair's discretion. The Chair will grant the Applicant or Representative a chance to respond to any comments at the end of the Public Comment period.

D. **DELIBERATIONS.** After the Public Comment period, the Chair shall invite the members of the Board to discuss the item. If new questions arise during Deliberations, the Chair may invite the Applicant or Representative, Staff, or other relevant City representatives to answer the questions. If proposed motions are to be written or amended, this should be done during this deliberative period. Deliberation may be continued pursuant to Section 7.8.

E. **DECISIONS.** After the deliberative period, the Chair will invite a member or members of the Board to make a motion on the item. If the motion is included in the Staff Memo portion of the posted, publicly-available packet, only proposed amendments to the motion in question must be read into the public record. If the text of the motion is not publicly available prior to the start of the meeting, then the entire motion must be read into the public record. Once the motion has been read and seconded, the Chair shall invite the members of the Board to discuss the motion, including proposed amendments or alternatives. The Chair shall then, at their discretion, conduct a roll call vote on the motion.

Mr. Rutter noted that the reference in **Item D** to Section 7.8 is confusing. Mr. Hill said it should be changed to Section 7.9. Mr. Corwin noted that language should be added that the deliberation period may be continued at another meeting before a decision is made.

For **Item E**, Ms. Romano stated that a roll call vote is needed only if any members are attending remotely. Mr. Ford Burley suggested adding that "an explanation of the reasons for a decision should be included in the decision." The group also discussed how and when straw poll votes are typically taken. Mr. Corwin said the Board has historically used straw polls sparingly to gauge the mindset of Board members on a decision prior to a final vote. The group discussed how the Board currently arrives at a decision and if changes should be made to the current procedure.

Item 5.5 Permission to Address the Board – The group discussed whether the time limit should be enforced. They also discussed what constitutes a debate.

5.5 PERMISSION REQUIRED TO ADDRESS THE BOARD. Persons other than members of the Board shall not be permitted to address the Board except by consent of the Chair. ~~Anyone wishing to address the Board during Open Discussion should indicate their intent and subject matter to the Chair prior to the meeting.~~ At the Chair's discretion, a time limit for each speaker ~~of 3 minutes shall normally be in effect~~may be imposed. The speaker shall not enter into any debate with anyone present and shall speak only to the subject matter indicated. ~~A group may have one person act as its spokesperson and shall follow the same rules.~~

5.6 MINUTES. The minutes of previous meetings shall be submitted for approval at the next regular meeting or planning session. The Chair shall call for any corrections to the minutes. Following the discussion of corrections, if any, the minutes shall be approved by motion duly passed by majority vote of the members present.

Item 5.6 Minutes – Mr. Rutter suggested adding language about whether a quorum is needed to approve minutes. The group also discussed when members should abstain from voting on decisions versus voting whether to approve meeting minutes. Mr. Corwin said if a member misses a meeting and is not familiar with the content of that meeting, it would be appropriate for them to abstain from the vote to approve the minutes.

Items 5.7 through 5.9 – The group discussed instances where a meeting may begin in one room or area and, after a temporary halt, may move to another room or area.

5.7 RECESS OF THE MEETING. The Chair may order a temporary halt to the proceedings of the meeting. Said recess should normally not exceed 30 minutes. Upon ordering the recess, the Chair shall state the time and place for reconvening.

~~**5.8 CONTINUANCE OF THE HEARING.** The Board may continue a hearing if the application cannot be disposed of on the day set. No further public notice shall be necessary provided that the date, time, and place of the continued hearing shall be announced before adjournment.~~

5.8~~9~~ ADJOURNMENT OF MEETING. The Board shall adjourn each meeting to its next scheduled meeting or to a special meeting specifying time, date, and place. If the order of business has not been concluded by 9:30 PM, the Chair shall poll the attending Board members to determine if the Board should continue beyond 9:30 PM or continue the matters on the agenda to the next appropriate meeting, or continue to a special meeting specifying time, date, and place. The Chair shall then put the proposed determination to a vote.

Items 6.1-6.4
Mr. Corwin said this section is new. Mr. Ford Burley said this language is now up to date with the current RSA language. He said once the Board accepts jurisdiction over an application, it has 65 days to approve or disapprove the application. He said the timeframe extends to 95 days to approve or disapprove if the application is determined to have regional impact. He said if the Board cannot reach a decision by the time deadline, the City Council must approve it.

ARTICLE VI APPLICATIONS

6.1 **POSTPONEMENTS.** The Board may postpone a completeness determination if requested by the applicant in writing. The Board may grant only one such postponement unless the applicant demonstrates sufficient cause to allow for a second postponement. No additional postponement shall be permitted.

6.2 **CONTINUANCES.** The Board may continue a hearing if ~~the application cannot be disposed~~a decision cannot be reached ~~of~~ on the day set. The Board may request a continuance beyond the 65 day period (or 95 day period for applications found to have regional impact) ~~t~~in accordance with the Site Plan Review Regulations. Requests for continuances by the Applicant beyond the 65 or 95 day period shall only be granted upon demonstration extenuating circumstances that the Board agrees warrants such a continuance. If the reason for the continuance is that there is insufficient information to make an appropriately informed decision, the Board shall instead consider disapproving the application "without prejudice," allowing the Applicant to reapply with the same or a substantially similar application.... Nin the case of a continuance, no further public notice shall be necessary provided that the date, time, and place of the continued hearing shall be announced before adjournment.

6.3 **SUBMISSIONS.** Application materials shall be submitted by the Applicant in accordance with the Site Plan Review Regulations. Notwithstanding the above, submissions after the agenda packet has been posted are not permitted unless authorized by the Chair upon demonstration of extenuating circumstances that the Chair agrees warrants such a submission. Such late submissions shall not be distributed to the Planning Board members, but shall instead be presented to the Planning Board at the meeting at which the Public Hearing is to take place.

6.4 **AMENDMENTS.** In order to reduce the re-litigation of previous decisions, in the case of applications to amend site plans previously approved by the Board, discussions shall be limited to the substance of the requested amendment(s), subject to the discretion of the Chair.

The group discussed the impact this procedure may have on applications that require extra time for the Board to review. Ms. Romano said the Board will depend on Staff to notify it as the timeframe expirations approach. She noted that some applicants bring incomplete applications to the Board which get continued to future meetings, and it takes extra time for the Board to make decisions on those applications. Chair Faunce said, in these instances, the Board can not accept jurisdiction for lack of completeness. The group agreed that the Board is taking a stricter stand on completeness because delays can be a waste of time.

Mr. Corwin said **Item 6.4 Amendments** should be moved to the Procedures section. Mr. Rutter suggested that a reference to Section 9.1 and 9.2 could be added to this item.

Item 7.1 & 7.2 -
The group agreed to clarify the language that accurate transcriptions of motions are needed for Board members to make decisions during meetings as well as for the record.

Mr. Ford Burley said "ex-officio" can be removed from **Item 7.2**.

ARTICLE VII VOTING & DELIBERATION

76.1 **MOTIONS~~ TO BE STATED BY THE CHAIR~~.** Accurate transcriptions of any motions must be reasonably understood by those attending the meeting and be accurately rendered in the public record. As stated in 5.4.E of these Rules, if a motion is included in the Staff Memo portion of the posted, publicly-available packet, reference to said packet shall be considered sufficient ~~to these purposes~~for this purpose, and only proposed amendments must be read into the public record. If the text of the motion is not publicly available prior to the start of the meeting, then the entire motion must be read into the public record. A motion may not be withdrawn or amended by the mover without the consent of the second.

~~6~~7.2 **MAJORITY VOTE REQUIRED.** Determinations on any ~~matter~~ motion before the Board shall require the concurrence of a majority of the regular and ex-officio members present, including alternate members serving in the capacity of a regular member, ~~and~~as well as regular members attending remotely as may be permitted pursuant to RSA 91-A.

~~6~~7.3 **TIE VOTE OR DECISION BY LESS THAN A MAJORITY.** A tie vote or an approval or denial by less than a majority of the regular members present constitutes no action. If the Board is unable to obtain concurrence of a majority of regular members present on a request because of the absence of one or more Board members from the vote, it shall continue the discussion or may continue the matter to a subsequent meeting pursuant to Section ~~5.8~~6.2 above.

The group discussed whether it needs to be noted that alternate members are standing in for particular members.

Item 7.4 Waiver Requests – The group discussed the role that waiver requests play in the Board's decisions to approve or disapprove applications.

Item 7.7 Conflict of Interest or Prejudgement – Mr. Corwin said he and Mr. Ford Burley had not reviewed this section yet and suggested the Board discuss it at another meeting. The group talked about what constitutes a conflict of interest and instances when Board members have recused themselves from discussions in the past.

Item 7.8 Vote of Absent Members

> ~~6.5~~7.8 **VOTE OF ABSENT MEMBERS.** Unless a Board member has attended the meetings on a~~ matter~~n application or has stated publicly that he or she has examined the record and become familiar with the evidence presented from a transcript of the proceedings, he or she shall not cast a vote ~~essential~~ on any matter directly related to the ~~decision~~application.

The group agreed to accept the revisions as presented. Mr. Kennelly suggested language should be added that the Chair should ask Board members to publicly state that they have "examined the record and have become familiar with the evidence presented."

Item 7.9 Continuation of Deliberation

> 6.8 ~~**EXTENSION OF TIME**~~**CONTINUATION OF DELIBERATION.** Following the closing of the public hearing on an application, ~~Any three Board members may request an extension of time before voting on any proposal before the Board~~the Board may continue deliberation to a future meeting, if and only if such an extension would not push a given application past the 65 (or 95) day deadline for action by the Board, unless the applicant consents in writing to such extension. ~~If such an extension is requested, the Board shall schedule a special meeting not more than two weeks from the date of the request to take action on the proposal or otherwise such special meeting may be scheduled for a date agreeable by all requestors. There shall be no new business placed on the agenda of any special meeting scheduled under this section.~~ If such an extension would push a given application past the 65 (or 95) day deadline for action by the Board, the Board will consider other alternatives, such as disapproving the site plan "without prejudice" as mentioned in section 6.2 of these Rules.

The group discussed whether deliberation should be allowed after the close of the public hearing. Mr. Corwin said he feels it is important that the Board has all its questions answered before the public hearing is closed. The group discussed what happens when a new idea or consideration occurs after the public hearing is closed, and what is involved in reopening a public hearing in these instances. Mr. Corwin said he would review this process more fully. Mr. Corwin said he would also check if the applicant must consent to a continuance in writing, or if a verbal consent is acceptable.

Items 9.1 through 9.5 -
The group discussed RSA 91-A and its impact on the flow of communication.

The group also discussed how communication between Board members differs from communication with members of the community. Mr. Corwin said Board members can discuss applications with members of the public once a decision has been made, but not before.

ARTICLE IX~~VIII~~ E-MAIL AND OTHER COMMUNICATIONS BETWEEN MEETINGS

~~8~~9.1 **PURPOSE.** The ~~aims~~ purpose of this Article ~~are:~~is
~~A. T~~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 appearing before the Board~~;~~.
~~B. 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,~~
~~C. To clarify the role of electronic media, such as E-mail, in achieving these goals.~~

~~8~~9.2 **DEFINITIONS.** In this Article:

A. ***Communication*** means a transfer of information, objective or subjective, from one person to another. It includes face-to-face or phone conversations, letters, memos,

~~8~~9.3 **ACTIVITIES BETWEEN MEETINGS OF INDIVIDUAL MEMBERS.** Individual Board members may, between meetings, prepare drafts of motions or other potential Board actions, and may meet or communicate with Staff with questions regarding any pending application before the Board. ~~. They may also research or investigate general or specific factual issues. However, if the research pertains to a case~~If a Board member discovers or is made aware of facts or information outside of a public meeting that is pertinent to the member's decision-making on an application pending before the Board, the Board member shall, at the public hearing, report all ~~findings~~ such facts or information to the Board, and parties to the case shall be given a meaningful opportunity to respond.

~~8~~9.4 **DISTRIBUTIONS.** A Distribution may be made to any number of Board members by Staff, so long as it does not become an Exchange. Distributions by individual Board members are not permitted, but a Board member may ask Staff to make a Distribution. Staff shall normally make a Distribution as requested, but may decline to do so for good cause and upon consultation with the Chair. ~~Whenever a~~

~~8~~9.5 **EXCHANGES.**
A. 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 ... RSA 91-A.
B. Exchanges relatin... he Board ~~and which~~that involves less than ????? are also prohibited except that the Chair and Vice Chair may meet with Staff to discuss procedural matters related to pending applications.
C. An Exchange pertaining to:

(i) policy matters that do not directly impact any application currently pending before the Board where the number of Board or Committee members involved is less than a quorum ~~to any activity allowed under Subsection 8.3~~ or
(ii) the drafting of motions pursuant to Section 8.3 involving not more than two (2) Board members
is permitted ~~if the number of Board or Committee members involved is less than a quorum~~; however:
~~A~~1. Each Board member involved shall be responsible for preventing the number of members involved from reaching a quorum;
~~B~~2. Information discussed in, or generated by, an Exchange between Board members shall not be subject to further Distribution; and
~~C~~3. No Exchange shall include any vote or straw vote, or any Ex Parte Communication.

B. Site Plan Review Procedure / Potential Amendments to Article IV of SPR Regulations
Chair Faunce said discussion for this agenda item would be postponed to a future meeting.

C. Site Plan Review Procedure / Potential Amendments to Article V of SPR Regulations
Chair Faunce said discussion for this agenda item would be postponed to a future meeting.

3. COMMITTEE REPORTS

Heritage Commission - Mr. Rutter discussed a video, called “Brick of Hand,” about the Densmore Brickyard that has been shared with the Heritage Commission. He said the video is very informative and interesting. He requested that Staff circulate the link to the video as a distribution, and strongly urged every member of the Board to watch the video, especially since an application for a multi-unit residential complex is being planned for the brickyard site and will be presented at the July 8 Planning Board meeting.

LEAC – Mr. Kennelly said the Committee has a lot of activity, but none that directly affects the Planning Board. Mr. Corwin said LEAC is working on the Energy Chapter of the Master Plan.

The group discussed the difference between single, two-, and multi-family dwellings. Mr. Corwin said any building containing three or more dwelling units is considered multi-family, according to Lebanon’s zoning ordinance.

DEI – Mr. Ford Burley said the joint statement is being worked on and it will be discussed at a meeting tomorrow.

West Lebanon Advisory Committee – Chair Faunce said the group has been working with the Economic Development Committee about whether establishing a TIF district in West Lebanon is advisable. He said they have come to the realization that it is probably not the right tool at this time. He said there has been discussion about making a vacant lot on Church Street West (which is owned by the City) into a pop-up social place. The group discussed attempts to make West Lebanon walkable for residents.

4. OTHER BUSINESS

A. Planning Board Process Improvement / Implementation of Rules of Procedure
Chair Faunce said discussion for this agenda item would be postponed to a future meeting.

A MOTION was made by Richard Ford Burley to extend the meeting to 9:40pm. The Motion was seconded by Karen Zook.

****The MOTION was approved (7-0).***

5. APPROVAL OF MINUTES- June 10, 2024
Amendments:
Page 3, Lines 5-6: Change “that are outside the proposed project area.” to “that concern portions of the site outside the proposed project areas”
Page 3, Line 29: Change “rain gardens” to “rain garden”
Page 3, Line 43: Change “curving” to “curbing”
Page 4, Line 1: Change “rows” to “row”
Page 4, Line 3: Change “South” to “south”
Page 4, Line 38: Change “one lane” to “one-way lane”
Page 4, Line 42: Change “the plan” to “the revised plan”
Page 6, Line 9: Add “feet” between “hundred” and “along”
Page 7, Line 37: Add “to” after “limited”

Page 8, Lines 18-20: Edit to read: “The new fire station will accommodate the largest trucks in use by the fire department. Mr. Rutter asked, if the demolition includes below-ground level penetration, whether a soil expert would be on hand to oversee that activity.”
Page 8, Line 35: Edit to read “It facilitates emergency staff vehicles coming out of the parking lot behind the new building.”
Page 8, Lines 40-41: Change “Mr. Fleurock said the building will be situated about two feet further into Church Street.” to “Mr. Fleurock said the east side of the new building will extend about two feet further into Church Street than its predecessor.”
Page 9, Line 9: Add “from the south” after parking lot
Page 9, Lines 24-25: Edit to read: “He said the Church sponsors an active community assistance program”
Page 11, Line 7: Change “Lyne” to “Lyme”
Page 12, Line 22: Hyphenate “traffic-calming”
Page 12, Line 24: Omit “there”
Page 12, Line 33: Change “unit” to “cottage development”.

A MOTION was made by Kathie Romano to approve the June 10, 2024 Meeting Minutes as amended. The motion was seconded by Brandon Hill.

****The MOTION was approved (7-0).***

6. ADJOURNMENT

A MOTION was made by Brandon Hill to adjourn the meeting at 9:35pm. The motion was seconded by Jeremy Rutter.

****The MOTION was approved (7-0).***

The meeting was adjourned at 9:35pm.

Respectfully submitted,
Paula Roux
Recording Secretary