LEBANON PLANNING BOARD
SEPTEMBER 23, 2024 - 6:30 PM
COUNCIL CHAMBERS, CITY HALL OR REMOTE VIA VIRTUAL PLATFORM
LEBANONNH.GOV/LIVE

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1. Call to Order

A. To participate in this meeting, please join live via Microsoft Teams or call 929-229-5356 (access code: 862 450 122#). If you have trouble accessing this meeting, please email tim.corwin@lebanonnh.gov.

2. Public Hearing Items

A. **Jennifer Caine Russell & Nick Russell (applicants), Spencer Street Storage, LLC (property owner), 10 Spencer Street (Tax Map 92, Lot 33), zoned LD**: Applicants request a Conditional Use Permit pursuant to Article III, Section 307.2 of the Zoning Ordinance to allow an art studio use within the existing building. **PB2024-37-CUP** **(Link to previous agenda materials)**

3. Study Items

A. CIP Policies and Procedures Discussion

B. Review of updated Conditional Use Permit Application form

C. Review of proposed amendments to the Zoning Ordinance including amendments related to the Route 120 Corridor Study and Pattern Zone Project

D. Review of draft amendments to the Planning Board Rules of Procedure

4. Committee Reports

A. **City Council Subcommittees:**
--Class VI Roads Advisory Committee
--Lebanon Energy Advisory Committee

B. **Other Subcommittees:**
--City Council Representative
--Heritage Commission
--Pedestrian & Bicyclist Advisory Committee
--Upper Valley Lake Sunapee Regional Planning Commission
--UV Subcommittee of the Connecticut River Joint Commissions
--Upper Valley Transportation Management Association
--Mascoma River Local Advisory Committee
--West Lebanon Revitalization Advisory Committee
--Planning & Development Department – Task Status

C. Minor Site Plan Committee

5. Other Business

A. Mascoma River Local Advisory Committee nominations

B. Planning Board process improvement/implementation of Rules of Procedure

C. Planning Board training - "Planning Board Basics" recorded presentation

6. Approval of Minutes

A. None

7. Adjournment

The order of agenda items is subject to change.

Meetings are open for in-person and remote attendance. Members of the public that wish to attend remotely may do so by going to LebanonNH.gov/Live where you will find instructions on how to enter the meeting. Members of the public will be able to participate and ask questions through the City's virtual platform or by phone. Please note: Should technical difficulties occur during the meeting that disrupts virtual or phone connection(s), the meeting will continue without remote access capabilities.

PLANNING BOARD

September 23, 2024 Work Session

Staff Memorandum – PB2023-37-CUP – *postponed from 9/9/24*

APPLICATION INFORMATION

Agenda Item: 2.A

Application ID: PB2024-37-CUP

Application Type: Conditional Use Permit per §307.2 of the Zoning Ord. for a proposed art studio use

Property Location & Tax Map:
10 Spencer St (Tax Map 92, Lot 33)

Applicant(s): Jennifer & Nick Russell

Property Owner:
Spencer Street Storage, LLC

Zoning District: LD District

Future Land Use Map:
Central Business District

Property Size (per City Assessor):
+/-0.31 acres (13,503 sq. ft.) *(property is conforming to min. 3,000 sq. ft. lot size required in LD District per §307.2 of the ZO)*

Existing Improvements and Use:
A one (1)-story, 16,180 sq. ft. (gross) commercial building constructed in 1910 (*per City Assessor records)*, currently vacant per the applicant; prior rug cleaning use approved by Special Exception in 1996 (ZB92-33-96)

Proposed Use: art studio *(it is unclear whether the art studio use will occupy the entire building or a portion thereof)*

Overlay District: Floodplain District

Other Approvals Required:
Building & Zoning Permit

Attachments:
- Supplemental application materials (4 pgs)

LEGAL NOTICE

Jennifer Caine Russell & Nick Russell (applicants), Spencer Street Storage, LLC (property owner), 10 Spencer Street (Tax Map 92, Lot 33), zoned LD: Applicants request a Conditional Use Permit pursuant to Article III, Section 307.2 of the Zoning Ordinance to allow an art studio use within the existing building. PB2024-37-CUP

STAFF COMMENTS

The applicant submitted the attached materials in response to the comments and questions raised in the staff memo prepared for and included with the September 9, 2024 Planning Board meeting.

cc: Jennifer Caine Russell & Nick Russell (applicants), (via e-mail)
Spencer Street Storage, LLC (via e-mail)
Frank J. Barrett, AIA, Barrett Architecture (via e-mail)
File

10 Spencer Street – Conditional Use Permit Application for Proposed Art Studio Use
Planning & Development Staff Questions

1. Please provide more information about what the use is and how it will operate. Just for example, what will be the hours of operation? Will it have employees? If so, how many? Will it have tenants? If so, how many? Will the art studio be open to the public at all? If so, when? Etc.?

Two artist studios would be occupied by owner/tenants, Enrico Riley and Jennifer Caine (Russell), respectively for development of their fine art work (both of whom are members of the faculty of Studio Art at a local university), mostly consisting of painting and drawing mediums. Both artist/owners work mostly during business hours and on weekdays, with occasional evening or weekend use. The studios would be for our own private use and would not be intended to be open to the public. The artists do not have employees, but may have occasional professional visitors.

The studios for the two owners will occupy a large portion of the building (approx 50-70%+), with the remaining space used for 1 to 3 rentable spaces for studio art or business use preferably occupied by individual professional artists tenants for their own fine art studio use. The applicants have begun the process of looking for co-tenants

Nick Russell, Jennifer Caine (Russell), and Enrico Riley will be at the hearing and plan on commenting on these issues in full to the Board.

The applicants' purchase of the property (currently under contract) is contingent on the approval of the Conditional Use Permit for proposed art studio use.

2. There is no minimum required parking in the LD District (except as may be required by the Planning Board through Site Plan Review), however the application should indicate what the expected parking needs of the proposed use(s) will be. Likewise, the applicant can speak to that quite fully at the public hearing.

We expect that we will need one parking space for each unit, thus approximately 4-6 spaces with occasional temporary/short term parking for private visitors. There is substantially more space on the site for parking than we anticipate will be needed. The property will convey with a 2,155 square foot exterior lot on the north east side of the building along Spencer Street (labeled Annexation Parcel A) that a prior owner of the property had acquired (see Site Plan – Close up Exhibit) which appears to have been omitted from the lot line representation in the Bird's eye view image in the Staff's initial draft memorandum.

3. Please submit a site plan showing existing improvements, building access, and existing on-site parking. If applicable, it might be helpful to also show any adjacent or nearby on-street parking.

See "Site Plan – Close Up" Exhibit that is an excerpt from a survey completed by a prior owner of the property, and shows the exterior space around the building. We do not expect any change to the footprint of the existing building, our plan involves the restoration and rehabilitation of the historic building for use as art studios (or other permitted business use). We anticipate removal of the vegetation that has grown up on the site, and other cosmetic clean up to restore the building.

The property is also directly adjacent to the large public parking lot at the Northern Rail Trail Head, although the applicants to not anticipate their use will require use of the public lot.

4. Please submit a floor plan showing the location of the proposed art studio use and the remaining space to be occupied in the future.

See "Preliminary Achitectural Sketch Plan" exhibit which has been submitted to the planning office that is reasonably close to what the applicants present thoughts are.

Our preliminary plan entails using the entirety of the existing main floor of the building for a few large art studio spaces, two of which will be occupied by Jen and Enrico, and 1-3 other spaces which we intend to lease to prospective tenants.

Improvements to the existing building will include restoration and rehabilitation of the existing building (i.e. new doors and windows, insulation, HVAC, etc.)

5. Please confirm whether the building will require accessibility improvements and if so, how those will be addressed.

The building will include accessibility improvements. Specific details will be included in the plans that will be submitted along with the building permit application considering building code accessibility and egress requirements. And see also the "Preliminary Architectural Sketch Plan" for a current draft.

6. Please confirm with Rod Finley, the Floodplain Administrator, whether a Floodplain Permit will be required per Chapter 72 of the City Code (rod.finley@lebanonnh.gov).

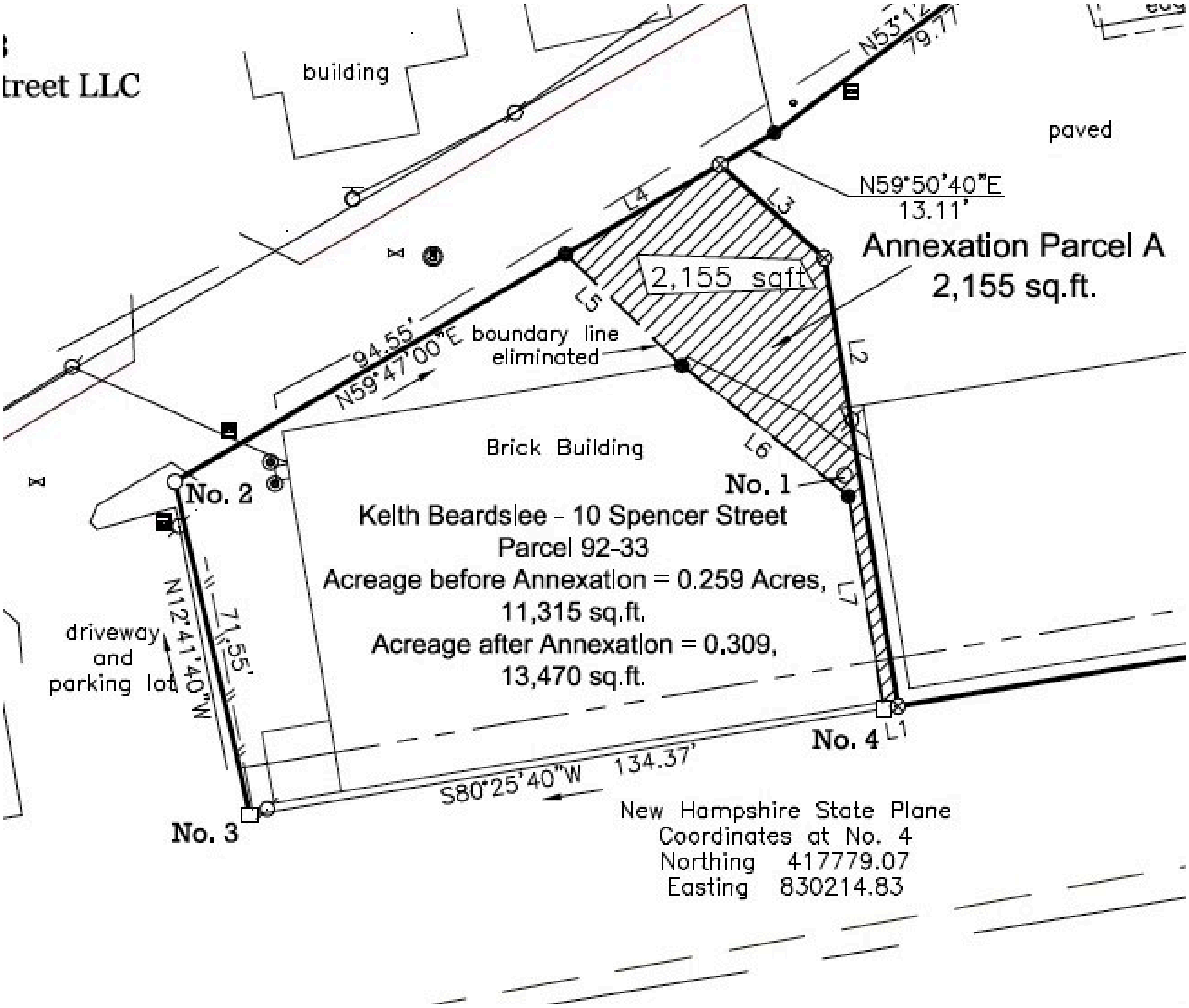
The Applicant's architectural representative will coordinate with the Floodplain Administrator if any Floodplain Permits are required.

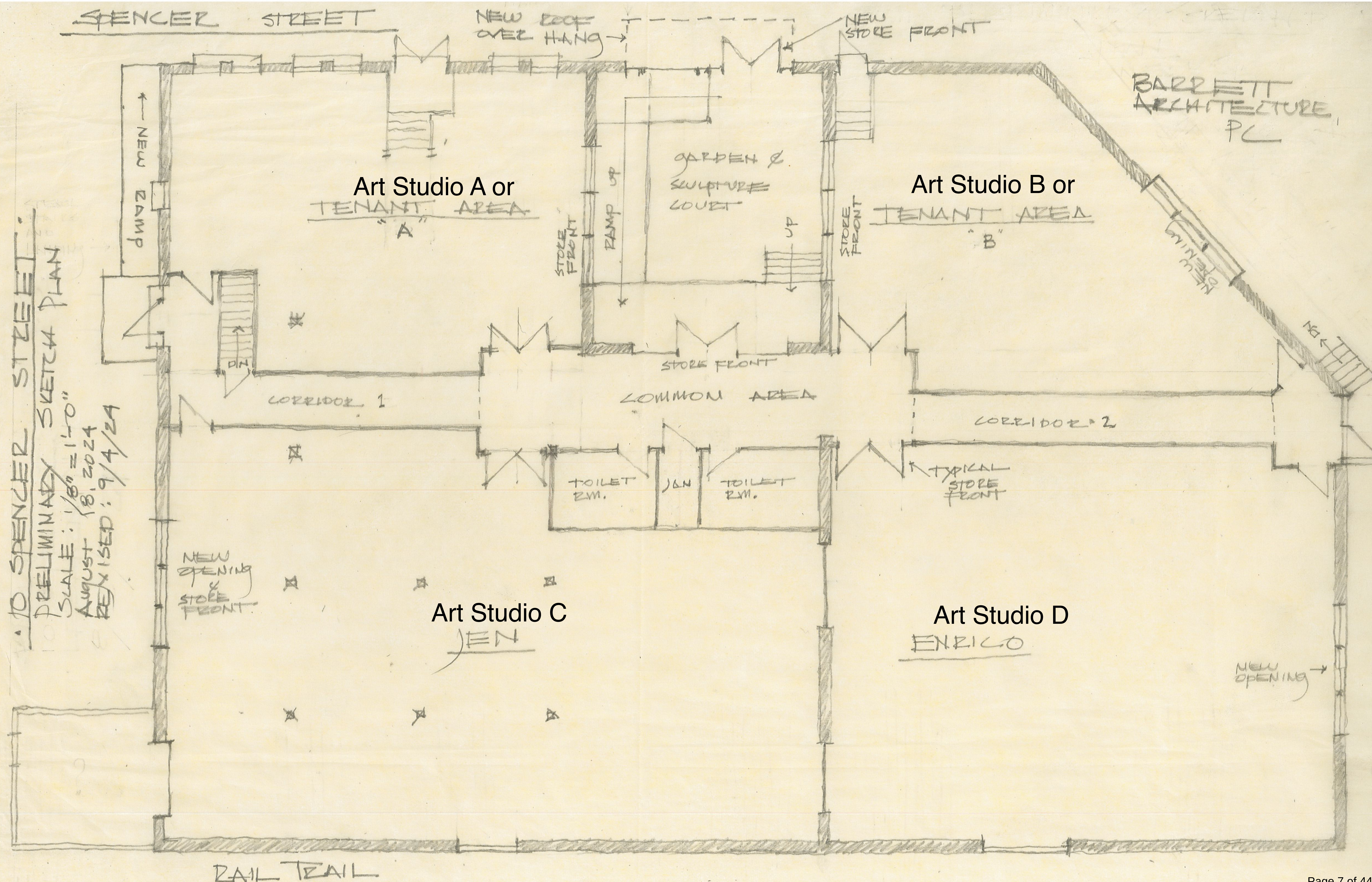
7. You may also want to verify with Leigh Hays, the Building Official, whether any Building Code floodplain requirements will apply (leigh.hays@lebanonnh.gov).

The Applicants and their representative are in conversations with Leigh to satisfy building Code requirements.

8. Please consider including some photos of the property/building, if feasible. This is just a suggestion.

Please see some photos sent under a separate email by the Applicant's representative.


treet LLC
building
N53°12'
79.77'
paved
N59°50'40"E
13.11'
Annexation Parcel A
2,155 sq.ft.
2,155 sqft
L3
L4
L5
L2
L6
L7
L1
94.55'
N59°47'00"E
boundary line
eliminated
Brick Building
No. 1
No. 2
Keith Beardslee - 10 Spencer Street
Parcel 92-33
Acreage before Annexation = 0.259 Acres,
11,315 sq.ft.
Acreage after Annexation = 0.309,
13,470 sq.ft.
driveway
and
parking lot
N12°41'40"W
71.55'
No. 4
S80°25'40"W
134.37'
No. 3
New Hampshire State Plane
Coordinates at No. 4
Northing 417779.07
Easting 830214.83



SPENCER STREET
NEW ROOF OVER HANG
NEW STORE FRONT
BARRETT ARCHITECTURE PC
NEW RAMP
Art Studio A or
TENANT AREA "A"
GARDEN & SCULPTURE COURT
RAMP UP
UP
STORE FRONT
Art Studio B or
TENANT AREA "B"
NEW OPENING
STORE FRONT
CORRIDOR 1
COMMON AREA
CORRIDOR 2
TOILET RM.
JAN
TOILET RM.
TYPICAL STORE FRONT
10 SPENCER STREET
PRELIMINARY SKETCH PLAN
SCALE: 1/8" = 1'-0"
AUGUST 18, 2024
REVISED: 9/4/24
NEW OPENING & STORE FRONT
Art Studio C
JEN
Art Studio D
ENRICO
NEW OPENING
RAIL TRAIL

LEBANON PLANNING BOARD

CAPITAL IMPROVEMENT PROGRAM
POLICY AND PROCEDURES

CITY OF LEBANON, NEW HAMPSHIRE

ADOPTED: September 22, 2003
LAST REVISED: February 27, 2023

CITY OF LEBANON
CAPITAL IMPROVEMENT PROGRAM
POLICY AND PROCEDURES

TABLE OF CONTENTS

ARTICLE I – ENACTMENT AND GENERAL PROVISIONS

Authority

Under the general authority granted in the New Hampshire Revised Statutes Annotated Title LXIV, the Lebanon Planning Board adopts this Policy and Procedures Document, pursuant to RSA 674:5, after having adopted a Master Plan and having been authorized to annually prepare and amend a recommended program of municipal capital improvement projects by the Lebanon City Council on January 08, 1986. Pursuant to RSA 674:7, the Planning Board will confer, in a manner deemed appropriate by the Board, with the City Manager, Finance Director, municipal departments, and the Lebanon School District, and shall review the recommendations of the Master Plan in relation to the proposed Capital Improvement Program.

Such that the Planning Board is so authorized to execute the Capital Improvement Program, every municipal department and the Lebanon School District shall, upon request of the Planning Board, transmit to the Board a statement of all capital projects it proposes to undertake during the term of the Program (6 years). The Planning Board shall study each proposed capital project that qualifies as a Capital Improvement Program Item, as defined herein, and shall advise and make recommendations to the municipal department or School District concerning the relation of its project to the Capital Improvement Program being prepared.

Pursuant to RSA 674:8, the Planning Board will submit its Capital Improvement Program recommendations for the ensuing fiscal year through the City Manager to the City Council for consideration as part of the annual budget.

General Purpose

This Policy and Procedures Document authorizes the Planning Board to prepare and submit a Capital Improvement Program that supports and furthers the goals established in the City's Master Plan. This Policy and Procedures Document shall be administered to ensure orderly growth and development and supplement and facilitate the provisions in the City of Lebanon's Master Plan, Zoning Ordinance, and capital budget. This Policy and Procedures Document ensures that there is harmonious development of a City capital budget. The Capital Improvement Program does not create the capital budget, but is a recommendation to the City Council in preparation of the capital budget. This Policy and Procedures Document guides the Planning Board in creating and delivering the Capital Improvement Program to the City Council.

Definitions

For the purposes of this Policy & Procedures Document, in addition to the terms included in this Article, the meaning of terms used herein shall be as defined in the Lebanon City Code and RSA.

Board – The word 'Board' shall mean the Lebanon Planning Board.

Capital Improvement Program (CIP) – The words 'Capital Improvement Program' and the abbreviation 'CIP' shall mean the document authorized by the Board consisting of a first-year capital budget recommendation for CIP Items and a subsequent five-year plan for capital expenditures. Projects previously approved and fully funded for completion are not included in the current six-year plan.

Capital Improvement Program Items – CIP Items will be those items that pertain to planning and land use within the City only. CIP Items are to include:

a) Any Physical Public Betterment and studies relative thereto with an estimated cost or value in excess of $100,000;
b) Acquisition of land, regardless of estimated cost;
c) Construction of new buildings and facilities with an estimated value in excess of $100,000;
d) Facilities engineering design and other preconstruction costs in excess of $100,000, unless such costs are part of a project that does not result in more capacity for growth;
e) Reconstruction of existing facilities resulting in more capacity for City growth with an estimated cost or value in excess of $100,000.

Capital items that are operational in scope, vehicles for example, are not considered to be CIP Items.

Physical Public Betterment – The words 'Physical Public Betterment' shall mean any new use of land or infrastructure that is for the benefit of the community. **Excluded from this definition are operational maintenance and improvements accruing a benefit to the community, which do not increase capacity for growth, for example resurfacing a road, fixing a sidewalk, and other in-kind repairs.**

CIP Project List – The term 'CIP Project List' shall be the Planning Board's list communicating to the City those CIP Items deemed by the Board as important for capital budget funding for the ensuing six-year fiscal period.

Capital Budget Form – The term 'Capital Budget Form', created by the Finance Director, is the official request by the Board, submitted through city staff, for a CIP Item to be included in the CIP. For each proposed CIP Item, the Capital Budget Form submitted by the Department for that project shall, to the extent possible, establish a substantive relationship between what the Master Plan identifies as a capital need and the proposed CIP Item.

Compliance

No Capital Improvement Program shall be approved by the Planning Board unless such plan complies with all the provisions of this CIP Policy and Procedures document and state and federal laws.

No authority other than the Planning Board will be permitted to change the CIP.

This CIP Policy and Procedures document supersedes all other City Staff policies relative to the CIP.

ARTICLE II – CIP POLICY AND PROCEDURES

Purpose

This procedure allows timely submission and review of the Capital Improvement Program (CIP) by the Planning Board, City Council, City Manager, Finance Director, municipal departments, and the Lebanon School District. This procedure defines a process by which information is given to the Planning Board by municipal departments (through the City Manager) and the Lebanon School District and sets forth the schedule for the Board's review and adoption of the CIP by late August. By producing the CIP by late August, the City Council shall use the document for capital budget recommendations per City Policy 98-01-A.

Policy

The Planning Board may create a preliminary CIP Project List, which shall be provided to all departments. in accordance with the Procedure outlined below. All department proposals for CIP Items and other capital items shall be submitted to the Planning & Development Director by mid-May, approximately 180 days prior to the budget submission date of October 31st. The Finance Director, City Manager, Planning & Development Director, and appropriate designees shall evaluate and analyze the fiscal capacity and financial programming of the proposed CIP Items and other capital items and shall prepare a draft CIP for review and adoption by the Planning Board by late August.

Procedure

1. At the **January Planning Board Work Session**, the Board may prepare a preliminary CIP Project List for the ensuing six-year fiscal period. The Planning & Development Director shall distribute the Planning Board's preliminary CIP Project List to the City Manager, Finance Director, and all municipal departments for consideration in preparing each Department's proposed CIP Items and other capital items. The Board may evaluate up to the prior three (3) years' City Council-adopted Capital Budgets versus the Board's CIP Project List and identify changes and make recommendations relevant to the CIP.

2. **In early April:** The Planning & Development Director shall distribute the Capital Budget Form, guidelines, and instructions to all municipal departments and to the Lebanon School District, approximately 210 days prior to the budget submission.

3. **In mid-May:** Each Director of a municipal department and the Superintendent of the Lebanon School District shall inventory existing facilities; identify proposed new CIP Items and other capital items and determine the status of previously approved CIP Items; and shall prepare and submit to the Planning & Development Director Capital Budget Forms, with such supporting documentation, data, required analysis, and timelines as required by the City Manager and Planning & Development Department, approximately 180 days prior to the budget submission date.

4. **By late June:** The Planning & Development Director, City Manager, and Finance Director shall analyze fiscal capacity and financial programming of the proposed CIP Items and shall prepare a draft CIP. In accordance with RSA 674:6, the draft CIP shall classify projects according to the urgency and need for realization and recommend a time sequence for their implementation, and shall take into account public facility needs indicated by the prospective development shown in the master plan of the municipality or as permitted by other municipal land use controls.

5. **By early July:** The City Manager shall submit the draft CIP to the Planning Board. Each Planning Board member shall be given a copy of the draft CIP. The Planning & Development Department shall request that each municipal department and the Lebanon School District appear before the Planning Board at the July work session to answer questions and to discuss project proposals, as needed.

6. **By late August:** The full Planning Board shall review the draft CIP and shall make any revisions deemed appropriate by the Board. In reviewing the draft CIP, the Planning Board shall review the recommendations of the Master Plan in relation to the proposed CIP. The Planning Board shall adopt a final CIP and submit its first-year capital budget recommendations to the City Council through the City Manager.

7. Upon adoption, the Planning & Development Director shall cause a certified copy of the CIP to be filed with the New Hampshire Office of Planning & Development (NHOPD) in accordance with RSA 675:9.

City of Lebanon, New Hampshire
APPLICATION FOR CONDITIONAL USE PERMIT
SUPPORT STATEMENT

Office Use Only	Date Received: ________________	Application No.: ________________

I. APPLICATION CHECKLIST

☐ *Application form*

☐ *Public Hearing Notification List*

☐ *Filing fee*

☐ *This form, fully completed*

☐ *A written narrative providing responses to the information required per sections II, III.A, and III.B below*

☐ *A scaled site plan identifying existing and proposed conditions and improvements including but not limited to buildings, structures, relevant setbacks and measurements, natural features, utilities, parking, access drives, landscaping, and lighting*

Note: existing and proposed conditions shall normally be shown on separate plan sheets unless otherwise approved by Planning & Development Department staff

☐ *Optional: photos and any other materials in support of the application*

II. PROJECT DESCRIPTION

The applicant requests a Conditional Use Permit as provided for in Article(s) _______, Section(s)________________, of the Lebanon Zoning Ordinance.

Please describe the proposed project and/or the proposed use with as much detail as possible. With respect to a proposed use, provide as much information as possible regarding the nature of the use as well as operational details (e.g. hours of operation, number of employees, etc.).

III. CONDITIONAL USE PERMIT CRITERIA

In order to obtain a Conditional Use Permit, an applicant must demonstrate to the Planning Board that the proposal satisfies the applicable General and Specific criteria set forth in Sections A and B below.

A. General Criteria

A conditional use permit shall be granted only if the Planning Board determines that the proposal conforms to **all** of the Enhanced Performance Standards set forth in Section 302.4.D of the Lebanon Zoning Ordinance, as listed below.

Applicants must specifically address each numbered and lettered criterion specifically. Applicants are advised that responses should be supported by evidence (in the form of data, engineering or environmental studies, annotated maps, etc.), or, in the absence of evidence, detailed explanations and reasoning.

NOTE: *The Board may require supporting evidence for projects that will also require Site Plan Review. For such projects, applicants are consequently advised to apply to the Planning Board for the Conditional Use Permit and for Site Plan Review simultaneously.*

1. The site is suitable for the proposal. This includes:

    a. Adequate vehicular and pedestrian access for the intended use.

    b. The availability of adequate public services to serve the intended use including emergency services, pedestrian facilities, safe access, and other municipal services.

    c. The absence of environmental constraints (floodplain, steep slope, etc.) proposed to be impacted by the intended use.

    d. The availability of appropriate utilities to serve the intended use including water, sewage disposal, stormwater treatment, electricity, and similar utilities.

2. External impacts: The external impacts of the proposed use on abutting properties and the neighborhood shall be commensurate with the impacts of adjacent existing uses or other uses permitted in the zoning district. This shall include, but not be limited to, water runoff, drainage, traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. In addition, the location, nature, design, and height of the structure and its appurtenances, its scale with reference to its surroundings, and the nature and intensity of the use, shall not have an adverse effect on the surrounding environment nor discourage the appropriate and orderly development and use of land and buildings in the neighborhood. The proportion of the site proposed to be occupied by impervious surfaces shall be minimized to the extent necessary to preclude unreasonable risk of runoff, erosion, sedimentation, and other potentially adverse on-site or off-site effects.

3. Character of the site development: The proposed layout and design of the site shall not be incompatible with the established character of the neighborhood and shall mitigate any external impacts on abutters, the neighborhood, and nearby public ways and infrastructure. This shall include, but not be limited to, the relationship of the building(s) to the street, the amount, location, and screening of off-street parking, the treatment of yards and setbacks, the buffering of adjacent properties, and provisions for vehicular and pedestrian access to and within the site.

4. Character of the buildings and structures: The design of any new buildings or structures and the modification of existing buildings or structures on the site shall not be incompatible with the established character of the neighborhood. This shall include, but not be limited to, the scale, height, and massing of the building or structure, the roof line, locations of access, and visual compatibility with the area.

5. Preservation of natural, cultural, historic, and scenic resources: The proposed use and layout of the site, including all related development activities, shall to the greatest extent practicable preserve identified natural, cultural, historic, and scenic resources on the site and shall not degrade such identified resources on abutting

properties. This shall include, but not be limited to, identified wetlands, floodplains, significant wildlife habitat and documented wildlife corridors, stonewalls, mature tree lines, identified historic buildings or sites, scenic views, and viewsheds.

B. Specific Criteria

The Conditional Use Permit is authorized by Article ______, Section ______ of the Zoning Ordinance.

Please list and respond to any criteria set forth in the above article and section of the Zoning Ordinance that apply to the proposed use or project.

Applicants must address each criterion specifically. Applicants are advised that assertions should be supported by evidence (in the form of data, engineering or environmental studies, annotated maps, etc.), or, in the absence of evidence, detailed explanations and reasoning.

☐ If the article and section of the Zoning Ordinance authorizing the Conditional Use lists no specific criteria, please check this box.

IV. ACCURACY AND COMPLETENESS

☐ By checking this box, the applicant(s) affirm that they have included in their application all of the relevant materials listed in the checklist and have responded to the Conditional Use Permit Criteria truthfully and to the best of their abilities.

Applicant's Name:___________________________ Date:____________________

Applicant's Signature:________________________

Applicant's Name:___________________________ Date:____________________

Applicant's Signature:________________________

RULES OF PROCEDURE
FOR THE PLANNING BOARD
CITY OF LEBANON, NEW HAMPSHIRE

ARTICLE I GOVERNING RULES

1.1 GOVERNANCE. The Planning Board of the City of Lebanon shall be governed by the provisions of all applicable State statutes, City regulations, the Site Plan Review Regulations and Subdivision Regulations, and these Rules of Procedure adopted under the authority of RSA 676:1.

1.2 DEFINITION OF BOARD. As used in these rules, the term "Board" shall mean the Planning Board duly appointed by the legislative body of the City of Lebanon under the authority of RSA 673.

1.3 DEFINITION OF STAFF. Staff shall mean the Director and/or Deputy Director of the City of Lebanon Planning and Development Department.

1.4 DEFINITION OF MEETING. As used in these rules, the term "meeting" shall have the meaning as set forth in RSA 91-A:2.

1.5 RULES OF DECORUM. Meetings of the Planning Board shall be conducted in the spirit of the "Lebanon Boards, Committees, and Commissions Rules of Decorum and Commitment to Civil Behavior," which is appended hereto and made a part of these Rules of Procedure, and all Board members shall endeavor to adhere to the principles set forth therein.

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. No members of the Planning Board shall serve as alternate members while there are vacancies open for regular members.

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.

2.4 ATTENDANCE. A Board member may be excused for non-attendance at a meeting for valid reasons if he or she notifies the Chair and Staff at least 24 hours prior to the meeting. After three (3) unexcused absences within a given member's term, the Chair shall notify the City Council.

Any Board member may leave the Board chambers for pressing business while in regular session after notice to the Chair.

A Board member who needs to participate remotely per Section 2.5 shall provide the Chair and Staff with as much notice as possible and in any case no less than 24 hours' notice.

A Board member who has a conflict of interest or needs to recuse themselves from hearing an application scheduled for a public hearing shall provide the Chair and Staff with as much notice as possible and in any case no less than 24 hours' notice.

2.5 REMOTE ATTENDANCE. At the discretion of the Chair, a Board member may participate remotely, if it is technologically feasible and reasonable to do so when the member's attendance is not reasonably practical, the reason for absence is stated in the minutes, the remote member states where they are physically located, and states who is present in that location with them. The Chair shall ask if any other Board member has a concern or objection regarding the absent member's virtual attendance. All participants, including the public, must be able to hear, read and discern the meeting discussion. Members participating remotely may vote, but shall not count toward quorum. All votes must be taken by roll call. The Chair shall be physically present at the meeting location specified in the meeting notice.

2.6 TRAINING. All newly-appointed Board members shall attend one (1) orientation meeting with the Planning and 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 Development Director.

2.7 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.

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.

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 may seek guidance from 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.

The Chair shall exercise general supervision over the business of the Board and shall execute all formal documents on behalf of the Board.

3.3 DUTIES OF THE VICE-CHAIR. The Vice-Chair shall assume the duties and powers of the Chair in the Chair's absence and aid the Chair as necessary in the performance of their duties.

3.4 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; preparing 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 of all participants; 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 review at the next regular meeting of the Board.

Staff, 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 Wednesday preceding any scheduled Monday meeting. 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.

Staff shall perform other duties as directed by the Chair.

3.5 VACANCIES. Any vacancy among the officers of the Board shall be filled by a regular member by election, for the unexpired term, at the next regular meeting of the Board. Staff shall take such reasonable steps as necessary to make the City Council aware of vacancies on the Planning Board in a timely fashion.

3.6 OTHER CITY STAFF SUPPORT. The Chair may request, through Staff, the attendance of any employee of the City to confer with the Board.

ARTICLE IV MEETINGS

4.1 ANNUAL MEETINGS. The annual meeting of the Board shall be the second Monday in the month of January each year, or if there is no meeting due to a lack of business, then the first public meeting held thereafter. Subject to the requirements of Sections 4.2 and 4.3, Staff shall prepare a draft annual meeting calendar for presentation to and approval by the Board at the annual meeting.

4.2 REGULAR MEETINGS. Regular meetings shall normally be conducted by the Board at which applications for development shall be reviewed and acted upon. Regular meetings of the Board shall be held on the second Monday of the month except that when a regular meeting date falls on a holiday, the Board shall conduct the meeting on the next business day or at the next reasonable opportunity. Staff shall give each Board member timely notice of the cancellation of such meeting and shall post a notice in at least one public place by the time of the regularly scheduled commencement. Regular meetings shall normally start at 6:30 p.m. and shall normally end by 9:30 p.m.

4.3 PLANNING SESSIONS. Planning sessions shall be conducted by the Board at which study items and planning issues are analyzed. Said sessions shall normally be held on the fourth Monday of the month unless there is no business to transact, in which case no meeting shall be held. When a planning session meeting date falls on a holiday, the Board shall determine whether to reschedule the meeting to the next reasonable opportunity or cancel the meeting. Staff shall give each Board member timely notice of the cancellation of such meeting and shall post a notice in at least one public place by the time of the scheduled commencement. Planning sessions shall normally start at 6:30 p.m. and shall normally end by 9:30 p.m.

4.4 SPECIAL MEETINGS. Special meetings of the Board may be called by the Chair provided that at least 48 hours' notice shall be given to each Board member of the time, place, and business of such meeting. Staff shall ensure the provision of adequate public notice of such special meetings as required by law and City policy.

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 scheduled pursuant to the procedures set forth in the Site Plan Review Regulations and Subdivision Regulations shall constitute meetings as defined by Article 1.4 of these rules, and shall therefore be posted and conducted according to these rules, including the taking of minutes. No decisions shall be made concerning an application during a Site Walk. Members of the public may ask questions during a site walk only at the discretion of the Chair.

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

ARTICLE V CONDUCT OF BUSINESS

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 case of absence of both the Chair and the Vice-Chair, if a quorum is determined to be present, the Board shall proceed to elect a Board member, by majority vote of those present, as Temporary Chair of the meeting until the Chair of Vice Chair appears.

5.2 **QUORUM.** 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 consist of a minimum of five (5) members of the Board including ex-officio members and 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 so presented on the agenda:

1. Call to Order
2. Notice of Regional Impact
3. Public Hearing Items

4. Other Business
5. Approval of Minutes
6. Adjournment

For each planning session, the order of business shall be so presented on the agenda:

1. Call to Order
2. Study Items
3. Committee Reports
4. Other Business
5. Approval of Minutes
6. Adjournment

5.4 **PUBLIC HEARINGS.** Public hearings shall normally be held in accordance with the following general procedures:

A. **INITIAL PRESENTATIONS.** Prior to the opening of a Public Hearing, the Chair may invite Staff to briefly describe the proposed hearing item to the Board. The Chair shall then open the Public Hearing and invite the Applicant for the proposed hearing item to give a presentation to the Board, which shall be provide sufficient detail and description 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 any outstanding questions that the Staff still have concerning the item, which the Applicant 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 to respond.

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

Applicant a chance to respond to any comments at the end of the Public Comment period.

D. FINAL BOARD QUESTIONS, WAIVERS, AND CLOSING THE HEARING. After the Public Comment period, the Chair shall invite the members of the Board to ask any other questions they may have for the Applicant, Staff, or other participants in the hearing. The Board shall normally consider and vote on waiver requests at this time. Waivers shall normally be voted on separately but may be voted on collectively at the discretion of the Chair. The Chair shall then ask the Board if it has all the information it needs to make a decision on the application and, if so, shall close the public hearing and enter into deliberation to discuss the item pursuant to Article VII.

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. At the Chair's discretion, a time limit for each speaker may be imposed. The speaker shall not enter into any debate or initiate or engage in any direct conversation with anyone present, shall speak only to the subject matter indicated, and shall direct all questions to the Chair.

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. All members may vote on the minutes and it shall be presumed that any member who was absent at the meeting that is the subject of the draft minutes under consideration by the Board has - unless the member states otherwise - adequately familiarized themselves with the conduct and content of the meeting by reviewing the meeting materials and the recording of the meeting.

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 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.

<u>ARTICLE VI</u> <u>APPLICATIONS</u>

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 a decision cannot be reached . The Board may request a continuance beyond the 65 day period (or 95 day period for applications found to have regional impact) 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 of 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. In 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. 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 the case of applications to amend site plans previously approved by the Board, discussions shall normally be limited to the substance of the requested amendment(s), subject to the discretion of the Chair.

ARTICLE VII VOTING & DELIBERATION

7.1 MOTIONS. Motions to approve or deny an application shall normally be considered during deliberation following the close of the public hearing. If proposed motions are to be written or amended, this should be done during this deliberative period. The Chair may also assign a motion to be written by a member and may continue the deliberation to a future meeting pursuant to Section 7.2.

Motions should be clearly presented to those attending the meeting and shall be accurately rendered in the public record. 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, and only newly-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.

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 vote on the motion which shall normally be held by roll call.

7.2 CONTINUATION OF DELIBERATION. If deemed necessary by the Chair to continue deliberation to a future meeting, the Board may do so without the consent of the applicant only if such an extension would not push a given application past the 65 (or 95) day deadline for action by the Board. If such an extension would require the Board to make a decision past the 65 (or 95) day deadline for action by the Board, the Board shall consider other alternatives, such as disapproving the application "without prejudice" (see Section 6.2 of these Rules).

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

7.4 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 6.2 above.

7.5 CONFLICT OF INTEREST or PREJUDGEMENT. In accordance with RSA 673:14, no Board member shall participate in deciding or shall sit upon the hearing of any question if that member has a direct personal or pecuniary interest in the outcome which differs from the interests of other citizens, or if that 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 include, but are not limited to, when a Board member:

A. Is an abutter
B. Is related to the applicant or any abutter;
C. Has assisted or advised the applicant or any abutter; or,
D. 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 include prejudgment which occurs when a Board 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 in response to the details of the application expressed during the public hearing held on that application or during the Board's deliberations.

When an uncertainty arises as to whether a Board member is disqualified in particular circumstances, the Board shall, at the request of that member or another Board member, vote on the question of his/her disqualification, but such vote shall be advisory and non-binding. Any person 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 taken if the Board member involved steps down voluntarily.

A Board 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 at either the same meeting or the next available meeting.

7.6 VOTE OF ABSENT MEMBERS. Unless a Board member has attended the meetings on an 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 on any matter directly related to the application.

ARTICLE VIII COMMITTEES

8.1 AUTHORIZATION. The Chair is authorized to appoint Committees to study and to report upon such matters as directed by the Chair which are germane to the purpose of the Board.

8.2 DEFINITION OF COMMITTEE. A group of Board members delegated by the Chair to perform a function.

8.3 MEMBERSHIP. All Committees shall consist of not more than four (4) Board members.

8.4 DUTIES. The duties of any Committee shall be defined by the Board at a regular meeting.

8.5 COMMITTEE CHAIR. The Chair of the Committee shall be determined at the discretion of the Chair of the Planning Board.

8.6 MEETINGS. The Chair of a Committee shall call a meeting at such time and place as he or she may deem proper whenever there is any business requiring the attention of the Committee.

8.7 INVESTIGATIONS. If necessary for the proper consideration of any matter referred to the Committee, the Committee is authorized to make investigations and call upon the City staff for such surveys, plans, estimates, and recommendations as may be deemed necessary.

ARTICLE IX E-MAIL AND OTHER COMMUNICATIONS BETWEEN MEETINGS

9.1 PURPOSE. The purpose of this Article is 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.

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, E-mails, web sites, or any other medium, regardless of the location or ownership of any device or equipment used.

B. ***Distribution*** is a one-way communication between meetings involving more than one Board member where no between-meeting response (except acknowledgment of receipt) occurs or is expected.

C. ***Exchange*** is a communication between meetings, or series of communications, involving more than one Board member which includes a between-meeting response, or expectation of a response.

D. ***Ex Parte Communication*** is communication, other than at a legally noticed meeting, between a Board member and a person with an interest in, or affected by, a pending or future case.

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. 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 such facts or information to the Board, and parties to the case shall be given a meaningful opportunity to respond.

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.

If a Board member inadvertently or mistakenly makes a Distribution concerning a pending or future case and it involves a quorum of the Board (counting all senders and recipients):

A. A copy shall be forwarded to Staff who shall determine, under RSA 91-A or other applicable law, whether the Distribution is subject to public disclosure and shall place the copy in the appropriate file;

B. The Board member making the Distribution shall report on it, and its contents, at the public hearing on the case unless the information is exempt from disclosure under RSA 91-A; and,

C. If subject to public disclosure, Staff shall provide a copy of the Distribution to the applicant and all parties to the case who shall be given a meaningful opportunity to respond to the information in the Distribution at the public hearing.

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 meetings noticed in accordance with RSA 91-A.

B. Exchanges relating to an application pending before the Board that involves less than a quorum 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 or
(ii) the drafting of motions pursuant to Section 8.3 involving not more than two (2) Board members
is permitted; however:
   1. Each Board member involved shall be responsible for preventing the number of members involved from reaching a quorum;
   2. Information discussed in, or generated by, an Exchange between Board members shall not be subject to further Distribution; and
   3. No Exchange shall include any vote or straw vote, or any Ex Parte Communication.

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

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 Department of Planning & Development or to a Board meeting, as appropriate; and

D. Report on the conversation to the Board at a public meeting.

9.7 SCHEDULING AND AGENDA. Notwithstanding Subsections 8.4, 8.5, and 8.6, nothing in this policy prevents any Distributions, Exchanges, or Ex Parte Communications which pertain solely to:

A. Scheduling of meetings or hearings;
B. The determination or ordering of agenda items or topics to be taken up at meetings or hearings; or
C. General procedural requirements pertaining to such scheduling and agenda matters.

9.8. PLANNING BOARD COMMITTEES. A Planning Board Committee shall be considered a public body, and all provisions of RSA 91-A and this Article, applicable to a quorum of the Board, shall also apply to a quorum of a Committee.

<u>ARTICLE X</u> <u>ADMINISTRATION</u>

10.1 ADOPTION. Upon adoption, Staff shall file a copy of these Rules and all amendments with the City Clerk as a public record and shall post the amended Rules on the City's website.

10.2 AMENDMENTS. These rules may be amended at any regular meeting by a majority vote of a quorum of the Board provided that such amendment has been presented in writing to each member of the Board at least 15 days preceding the meeting at which the vote is taken.

These Rules of Procedure were adopted by the Planning Board on November 21, 1989 and amended on:

December 9, 1996	Section 5.6 - MINUTES
January 11, 1999	Section 5.3 - ORDER OF BUSINESS
September 11, 2000	Section 4.1 - ANNUAL MEETINGS
September 11, 2000	Section 4.2 - REGULAR MEETINGS
January 28, 2002	Section 5.3 - ORDER OF BUSINESS
May 7, 2003	Section 2.7 (new) - ASSISTANCE BY THE CITY PLANNER & PLANNING OFFICE
May 7, 2003	Section 6.5 - CONFLICT OF INTEREST OR PREJUDGMENT
May 7, 2003	Article VII (new) - E-MAIL AND OTHER COMMUNICATIONS BETWEEN MEETINGS.
December 13, 2010	Section 4.2 - REGULAR MEETINGS
December 13, 2010	Section 4.3 - PLANNING SESSIONS
July 11, 2016	Article II (new) - MEMBERS AND ALTERNATES;
July 11, 2016	Section 5.9 - ADJOURNMENT OF MEETING;
July 11, 2016	General updates and reformatting;
January 28, 2019	Section 5.6 - MINUTES, General updates
August 26, 2019	Section 5.3 – ORDER OF BUSINESS
June 28, 2021	Section 1.4 – RULES OF DECORUM and Addendum

These Rules of Procedure supersede all other Rules and By-Laws.

ADDENDUM

LEBANON BOARDS, COMMITTEES, AND COMMISSIONS

RULES OF DECORUM AND COMMITMENT TO CIVIL BEHAVIOR

It is acknowledged that:

1. Civil, respectful, and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making.
2. Uncivil discourse and/or discourteous and inappropriate behavior have a negative impact on the character and productivity of the decision-making process.
3. Anger, rudeness, ridicule, obscene or profane language, impatience, and lack of respect for others and personal attacks are not acceptable behavior.
4. Demonstrations in support or opposition to a speaker or idea are not permitted by members of the Board. The Chairman is responsible for maintaining order. Failure to abide by this requirement may result in the forfeiture of the speaker's right to speak.

To maintain a cohesive, productive working environment, the members of the Lebanon Boards, Committees, and Commissions commit to:

1. Supporting the Board's mission.
2. Showing respect to each other as appointed members and staff representatives to the Board.
3. Promoting civility during Board meetings and tolerating nothing less.
4. Demonstrating reflective listening and not displaying negative body language (for example eye rolling, pencil tapping, shrugging of one's shoulders, hand gestures, etc.)
5. Allowing uninterrupted speech by those recognized as "having the floor" and refraining from speaking until recognized by the Chair.
6. Bringing appropriate committee-related concerns, issues, and conflicts to the Board for discussion.
7. Offering alternative solution(s) when addressing a problem or issue.
8. Maintaining the confidentiality of material discussed during closed Board meetings.

PLEDGE OF CIVILITY

The manner in which we govern ourselves is often as important as the positions we take. The City's collective decisions will be better and truer to our mission when differing views have had the opportunity to be fully vetted and considered. All those who appear before the City's boards, committees, and commissions have the right to be treated with respect, courtesy, and openness. We value all input.

Accordingly, we commit to conduct ourselves at all times with civility and courtesy, to both those with whom the Board interacts and to each other. We also pledge to endeavor to correct ourselves, should our conduct fall below this standard.

RULES OF PROCEDURE

FOR THE PLANNING BOARD

CITY OF LEBANON, NEW HAMPSHIRE

ARTICLE I GOVERNING RULES

1.1 GOVERNANCE. The Planning Board of the City of Lebanon shall be governed by the provisions of all applicable State statutes, City regulations, the Site Plan Review Regulations and Subdivision Regulations, and these Rules of Procedure adopted under the authority of RSA 676:1.

1.2 DEFINITION OF BOARD. As used in these rules, the term "Board" shall mean the Planning Board duly appointed by the legislative body of the City of Lebanon under the authority of RSA ~~Chapter~~ 673.

~~1.3~~1.3 DEFINITION OF STAFF. Staff shall mean the Director and/or Deputy Director of the City of Lebanon Planning and Development Department.

1.4 DEFINITION OF MEETING. As used in these rules, the term "meeting" shall have the meaning as set forth in RSA 91-A:2.

1.~~4~~5 RULES OF DECORUM. Meetings of the Planning Board shall be conducted in the spirit of the "Lebanon Boards, Committees, and Commissions Rules of Decorum and Commitment to Civil Behavior," which is ~~addended~~appended hereto and made a part of these Rules of Procedure, and all Board members shall endeavor to adhere to the principles set forth therein.

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. No members of the Planning Board shall serve as alternate members while there are vacancies open for regular members.

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.

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.~~ . After three (3) unexcused absences within a given member's term, the Chair shall notify the City Council.

Any Board member may leave the Board chambers for pressing business while in regular session after notice to the Chair.

~~2.5~~ A Board member who needs to participate remotely per Section 2.5 shall provide the Chair and Staff with as much notice as possible and in any case no less than 24 hours' notice.

A Board member who has a conflict of interest or needs to recuse themselves from hearing an application scheduled for a public hearing shall provide the Chair and Staff with as much notice as possible and in any case no less than 24 hours' notice.

2.5 REMOTE ATTENDANCE. At the discretion of the Chair, a Board member may participate remotely, if it is technologically feasible and reasonable to do so when the member's attendance is not reasonably practical, the reason for absence is stated in the minutes, the remote member states where they are physically located, and states who is present in that location with them. The Chair shall ask if any other Board member has a concern or objection regarding the absent member's virtual attendance. All participants, including the public, must be able to hear, read and discern the meeting discussion. Members participating remotely may vote, but shall not count toward quorum. All votes must be taken by roll call. The Chair shall be physically present at the meeting location specified in the meeting notice.

2.6 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.

2.7 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.

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.

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 guided as nearly as~~ may ~~be by~~seek guidance from Robert's Rules of Order~~, which~~ as 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~~ and helpful. Robert's Rules ~~by the Chair, Robert's Rules~~of Order shall be used as a reference only and shall ~~prevail~~not bind the Chair or the Board in any manner.

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.

3.3 **DUTIES OF THE VICE-CHAIR.** The Vice-Chair shall assume the duties and powers of the Chair in the Chair's absence~~.~~ and aid the Chair as necessary in the performance of their duties.

3.4 ~~**CLERK.** With the approval~~**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 ~~Manager,~~Engineer to be present at the ~~Director of Planning & Zoning, through the Department of Planning & Zoning, shall function as the Clerk for the Board. The Clerk shall administer official correspondence, subject to these rules~~Board's regular meetings and as needed. Subject to these Rules and at the direction of the Board~~;~~, staff shall ~~issue the proper~~act to support the Board. This support shall take such forms~~, compile all~~ 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; preparing forms as necessary for the Board's functions; compiling relevant information, maps, and records for the ~~Board's~~Board's review; ~~shall send all~~sending such notices as required by law; ~~shall keep~~keeping the minutes of all Board actions and proceedings; ~~shall prepare reports and perform other duties as directed by the Chair; and, shall keep~~and keeping records of its examinations and other official actions.

~~The Clerk~~Staff shall ~~direct~~take such steps as necessary for the recording ~~secretary to take~~ of meetings and the creation of complete and accurate minutes, ~~to tape record all meetings, to prepare in writing the official minutes of all meetings; to~~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; ~~to~~ include ~~in the minutes~~ the names ~~and addresses~~ of all ~~witnesses,~~participants; and include a summary of the facts on which ~~the~~a decision is based ~~and~~, as well as the decision rendered~~; and to deliver to the Clerk within 144 hours the completed document for submission~~. Said draft minutes will be submitted to the Board for ~~acceptance~~review at the next regular meeting of the Board.

~~The Clerk~~

Staff, 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~~Wednesday preceding any scheduled Monday meeting. ~~The Clerk~~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.

~~The Clerk~~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.

Staff shall perform other duties as directed by the Chair.

~~**3.5 VACANCIES.** At the direction of the Chair, the Clerk shall give immediate notice of any vacancy to the City Council.~~**3.5 VACANCIES.** Any vacancy among the officers of the Board shall be filled by a regular member by election, for the unexpired term, at the next regular meeting of the Board. Staff shall take such reasonable steps as necessary to make the City Council aware of vacancies on the Planning Board in a timely fashion.

3.6 OTHER CITY STAFF SUPPORT. The Chair may request, through ~~the City Manager~~Staff, the attendance of any ~~officer or~~ employee of the City to confer with the Board. ~~The Board may vote to request the City Manager to provide an officer or employee.~~

~~**3.7 ASSISTANCE BY THE DIRECTOR OF PLANNING & ZONING & DEPARTMENT OF PLANNING & ZONING.** Requests for assistance to the Director of Planning & Zoning and/or Department of Planning & Zoning in matters before the Board or Chair of the Board shall be made by the Board either by consensus or motion duly passed. Requests for information may be made to the Director of Planning & Zoning and/or Department of Planning & Zoning by any Board member through the Chair.~~

ARTICLE IV MEETINGS

4.1 ANNUAL MEETINGS. The annual meeting of the Board shall be the second Monday in the month of January each year, or if there is no meeting due to a lack of business, then the first public meeting held thereafter. Subject to the requirements of Sections 4.2 and 4.3, Staff shall prepare a draft annual meeting calendar for presentation to and approval by the Board at the annual meeting.

4.2 REGULAR MEETINGS. Regular meetings shall normally be conducted by the Board at which applications for development shall be reviewed and acted upon. Regular meetings of the Board shall be held on the second Monday of the month ~~unless there is no business to transact, in which case no meeting shall be held. The Clerk~~except that when a regular meeting date falls on a holiday, the Board shall conduct the meeting on the next business day or at the next reasonable opportunity. Staff shall give each Board member timely notice of the cancellation of such meeting and shall post a notice in at least one public place by the time of the regularly scheduled commencement. Regular meetings shall normally start at 6:30 p.m. and ~~terminate at~~shall normally end by 9:30 p.m.

4.3 PLANNING SESSIONS. Planning sessions shall be conducted by the Board at which study items and planning issues are analyzed. Said sessions shall normally be held on the fourth Monday of the month unless there is no business to transact, in which case no meeting shall be held. ~~The Clerk~~When a planning session meeting date falls on a holiday, the Board shall determine whether to reschedule the meeting to the next reasonable opportunity or cancel the meeting. Staff shall give each Board member timely notice of the cancellation of such meeting and shall post a notice in at least one public place by the time of the scheduled commencement. Planning sessions shall normally start at 6:30 p.m. and ~~terminate at~~shall normally end by 9:30 p.m.

4.4 SPECIAL MEETINGS. Special meetings of the Board may be called by the Chair provided that at least 48 ~~hours~~hours' notice shall be given to each Board member of the time, place, and business of such meeting. ~~The Clerk~~Staff shall ensure the provision of adequate public notice of such special meetings as required by law and City policy.

~~Upon the written or oral request of at least four (4) Board members, a special meeting shall be called. Said meeting shall take place not later than one week after the fourth Board member shall have made the request for a special meeting, or otherwise may be scheduled for a date agreeable by all requestors.~~

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 scheduled pursuant to the procedures set forth in the Site Plan Review Regulations and Subdivision Regulations shall constitute meetings as defined by Article 1.4 of these rules, and shall therefore be posted and conducted according to these rules, including the taking of minutes. No decisions shall be made concerning an application during a Site Walk. Members of the public may ask questions during a site walk only at the discretion of the Chair.

4.7~~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.

~~**4.7 HOLIDAYS.** When any meeting date happens to be a holiday, the Board shall determine either to conduct the meeting on the next business day, cancel said meeting, or call a special meeting.~~

ARTICLE V CONDUCT OF BUSINESS

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~~case of absence of both~~,~~ the Chair and the ~~Clerk or staff~~Vice-Chair, if a quorum is determined to be present, the Board shall proceed to elect a Board member~~ shall call~~, by majority vote of those present, as Temporary Chair of the meeting ~~to order after which those Board members present may elect a Chair pro tem~~until the Chair of Vice Chair appears.

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 a majority~~consist of ~~the total membership~~a minimum of five (5) members of the Board including ex-officio members and 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~~Hearing Items
4. ~~New Applications – Completeness Reviews and Public Hearings~~Other Business
5. Approval of Minutes
6. ~~Other Business~~
~~7.~~ Adjournment

For each planning session, the order of business shall be ~~as follows~~so presented on the agenda:

1. Call to Order
2. Study Items
3. Committee Reports
4. Other Business
5. Approval of Minutes
~~5. Other Business~~
6. Adjournment

5.4 ~~PRESENTATIONS DURING~~ PUBLIC HEARINGS. ~~-~~Public hearings shall normally be held in accordance with the following general procedures:

A. INITIAL PRESENTATIONS. Prior to the opening of a Public Hearing, the Chair may invite Staff to briefly describe the proposed hearing item to the Board. The Chair shall ~~request that before~~then open the ~~start of each~~ Public Hearing ~~a representative of~~and invite the ~~proposal~~Applicant for the proposed hearing item to give a ~~brief~~ presentation ~~of the request before~~to the Board~~. The brief presentation~~, which shall be ~~adequate~~provide sufficient detail and description so as to inform all community stakeholders, abutters and members of the public alike, as to the nature of the ~~project~~proposed item, including existing conditions and proposed changes, in order that they may comment on ~~the proposed project~~it.

B. STAFF AND BOARD QUESTIONS. After the presentation of the item, the Chair shall invite Staff to raise to the Applicant any outstanding questions that the Staff still have concerning the item, which the Applicant 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 to respond.

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

D. FINAL BOARD QUESTIONS, WAIVERS, AND CLOSING THE HEARING. After the Public Comment period, the Chair shall invite the members of the Board to ask any other questions they may have for the Applicant, Staff, or other participants in the hearing. The Board shall normally consider and vote on waiver requests at this time. Waivers shall normally be voted on separately but may be voted on collectively at the discretion of the Chair. The Chair shall then ask the Board if it has all the information it needs to make a decision on the application and, if so, shall close the public hearing and enter into deliberation to discuss the item pursuant to Article VII.

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~~At the ~~Board during Open Discussion should indicate their intent and subject matter to the Chair prior to the meeting. A~~Chair's discretion, a time limit ~~of 3 minutes shall normally~~ for each speaker may be ~~in effect~~imposed. The speaker shall not enter into any debate or initiate or engage in any direct conversation 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~~direct all questions to the ~~same rules.~~Chair.

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. All members may vote on the minutes and it shall be presumed that any member who was absent at the meeting that is the subject of the draft minutes under consideration by the Board has - unless the member states otherwise - adequately familiarized themselves with the conduct and content of the meeting by reviewing the meeting materials and the recording of the meeting.

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.~~

~~**5.9**~~
5.8 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.

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 a decision cannot be reached . The Board may request a continuance beyond the 65 day period (or 95 day period for applications found to have regional impact) 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 of 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. In 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. 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 the case of applications to amend site plans previously approved by the Board, discussions shall normally be limited to the substance of the requested amendment(s), subject to the discretion of the Chair.

ARTICLE VII VOTING & DELIBERATION

~~**6.1 MOTION TO BE STATED BY THE CHAIR.** When~~**7.1 MOTIONS.** Motions to approve or deny an application shall normally be considered during deliberation following the close of the public hearing. If proposed motions are to be written or amended, this should be done during this deliberative period. The Chair may also assign a motion ~~is made and seconded, it shall be stated by the Chair before debate. At the request of the Chair or any~~to be written by a member ~~of the Board, the~~and may continue the deliberation to a future meeting pursuant to Section 7.2.

Motions should be clearly presented to those attending the meeting and shall be accurately rendered in the public record. If a motion ~~shall be in writing.~~ is included in the Staff Memo portion of the posted, publicly available packet, reference to said packet shall be considered sufficient to these purposes, and only newly-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.

~~6.2~~ 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 vote on the motion which shall normally be held by roll call.

7.2 CONTINUATION OF DELIBERATION. If deemed necessary by the Chair to continue deliberation to a future meeting, the Board may do so without the consent of the applicant only if such an extension would not push a given application past the 65 (or 95) day deadline for action by the Board. If such an extension would require the Board to make a decision past the 65 (or 95) day deadline for action by the Board, the Board shall consider other alternatives, such as disapproving the application "without prejudice" (see Section 6.2 of these Rules).

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

~~6.3~~7.4 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.

~~6.4~~7.5 CONFLICT OF INTEREST or PREJUDGEMENT. In accordance with RSA 673:14, no Board member shall participate in deciding or shall sit upon the hearing of any question if that member has a direct personal or pecuniary interest in the outcome which differs from the interests of other citizens, or if that 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 include, but are not limited to, when a Board member:

A. Is an abutter
B. Is related to the applicant or any abutter;
C. Has assisted or advised the applicant or any abutter; or,
D. 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 include prejudgment which occurs when a Board 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 in response to the details of the application expressed during the public hearing held on that application or during the Board's deliberations.

When an uncertainty arises as to whether a Board member is disqualified in particular circumstances, the Board shall, at the request of that member or another Board member, vote on the question of his/her disqualification, but such vote shall be advisory and non-binding. Any person 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 taken if the Board member involved steps down voluntarily.

A Board 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 at either ~~at~~ the same meeting or the next available meeting.

7.6~~.5~~ VOTE OF ABSENT MEMBERS. Unless a Board member has attended the meetings on ~~a matter~~an 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.

~~**6.6 EXTENSION OF TIME.** Any three Board members may request an extension of time before voting on any proposal before the Board. 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.~~

ARTICLE ~~VII~~VIII COMMITTEES

~~7~~8.1 AUTHORIZATION. The Chair is authorized to appoint Committees to study and to report upon such matters as directed by the Chair which are germane to the purpose of the Board.

~~7~~8.2 DEFINITION OF COMMITTEE. A group of Board members delegated by the Chair to perform a function.

~~7~~8.3 MEMBERSHIP. All Committees shall consist of not more than four (4) Board members.

~~7~~8.4 DUTIES. The duties of any Committee shall be defined by the Board at a regular meeting.

~~7~~8.5 COMMITTEE CHAIR. The ~~first Board member named on~~Chair of the Committee shall be determined at the discretion of the Chair ~~thereof~~of the Planning Board.

~~7~~8.6 MEETINGS. The Chair of a Committee shall call ~~the same~~a meeting at such time and place as he or she may deem proper whenever there is any business requiring the attention of the Committee.

~~7~~8.7 INVESTIGATIONS. If necessary for the proper consideration of any matter referred to the Committee, the Committee is authorized to make investigations and call upon the City staff for such surveys, plans, estimates, and recommendations as may be deemed necessary.

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

~~8~~9.1 PURPOSE. The ~~aims~~purpose of this Article ~~are:~~
~~A.~~ ~~To~~is 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, E-mails, web sites, or any other medium, regardless of the location or ownership of any device or equipment used.

B. ***Distribution*** is a one-way communication between meetings involving more than one Board member where no between-meeting response (except acknowledgment of receipt) occurs or is expected.

C. ***Exchange*** is a communication between meetings, or series of communications, involving more than one Board member which includes a between-meeting response, or expectation of a response.

D. ***Ex Parte Communication*** is communication, other than at a legally~~-~~ noticed meeting, between a Board member and a person with an interest in, or affected by, a pending or future case.

~~8~~9.3 **ACTIVITIES BETWEEN MEETINGS OF INDIVIDUAL MEMBERS.** Individual Board members may, between meetings, prepare drafts of motions or other potential Board actions~~. They~~, and may ~~also research~~meet or ~~investigate general~~communicate with Staff with questions regarding any pending application before the Board. If a Board member discovers or ~~specific factual issues. However, if the research pertains~~is made aware of facts or information outside of a public meeting that is pertinent to ~~a case~~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. ~~Whenever~~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.

If a Board member inadvertently or mistakenly makes a Distribution concerning a pending or future case and it involves a quorum of the Board (counting all senders and recipients):

A. A copy shall be forwarded to ~~the Director of Planning & Zoning,~~Staff who shall determine, under RSA 91-A or other applicable law, whether the Distribution is subject to public disclosure and shall place the copy in the appropriate file;

B. The Board member making the Distribution shall report on it, and its contents, at the public hearing on the case unless the information is exempt from disclosure under RSA 91-A; and,

C. ~~Parties~~If subject to public disclosure, Staff shall provide a copy of the Distribution to the applicant and all parties to the case who shall be given a meaningful opportunity to respond to the information in the Distribution at the public hearing.

~~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 meetings noticed in accordance with RSA 91-A.~~ An Exchange pertaining to any activity allowed under Subsection 8.3 is permitted if the number of Board or Committee members involved is less than a quorum; however:~~

~~A~~ B. Exchanges relating to an application pending before the Board that involves less than a quorum 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 or
(ii) the drafting of motions pursuant to Section 8.3 involving not more than two (2) Board members
is permitted; however:

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.

~~8~~9.6 EX PARTE COMMUNICATIONS. Board members shall not initiate Ex Parte Communications. If an Ex Parte Communication is initiated by another person, the Board member contacted shall:

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 Department of Planning & ~~Zoning~~Development or to a Board meeting, as appropriate; and
D. Report on the conversation to the Board at a public meeting.

~~8~~9.7 SCHEDULING AND AGENDA. Notwithstanding Subsections 8.4, 8.5, and 8.6, nothing in this policy prevents any Distributions, Exchanges, or Ex Parte Communications which pertain solely to:

A. Scheduling of meetings or hearings;
B. The determination or ordering of agenda items or topics to be taken up at meetings or hearings; or
C. General procedural requirements pertaining to such scheduling and agenda matters.

~~8~~9.8. PLANNING BOARD COMMITTEES. A Planning Board Committee shall be considered a public body, and all provisions of RSA 91-A and this Article, applicable to a quorum of the Board, shall also apply to a quorum of a Committee.

ARTICLE ~~IX~~X ADMINISTRATION

~~9~~10.1 ADOPTION. Upon adoption, ~~the Clerk~~Staff shall file a copy of these Rules and all amendments with the City Clerk as a public record and ~~post a copy in one or more public places for 15 days~~shall post the amended Rules on the City's website.

~~9~~10.2 AMENDMENTS. These rules may be amended at any regular meeting by ~~an affirmative~~a majority vote of a quorum of the Board provided that such amendment has been presented in writing to each member of the Board at least 15 days preceding the meeting at which the vote is taken.

These Rules of Procedure were adopted by the Planning Board on November 21, 1989 and amended on:

December 9, 1996	Section 5.6 - MINUTES
January 11, 1999	Section 5.3 - ORDER OF BUSINESS
September 11, 2000	Section 4.1 - ANNUAL MEETINGS
September 11, 2000	Section 4.2 - REGULAR MEETINGS
January 28, 2002	Section 5.3 - ORDER OF BUSINESS

May 7, 2003	Section 2.7 (new) - ASSISTANCE BY THE CITY PLANNER & PLANNING OFFICE
May 7, 2003	Section 6.5 - CONFLICT OF INTEREST OR PREJUDGMENT
May 7, 2003	Article VII (new) - E-MAIL AND OTHER COMMUNICATIONS BETWEEN MEETINGS.
December 13, 2010	Section 4.2 - REGULAR MEETINGS
December 13, 2010	Section 4.3 - PLANNING SESSIONS
July 11, 2016	Article II (new) - MEMBERS AND ALTERNATES;
July 11, 2016	Section 5.9 - ADJOURNMENT OF MEETING;
July 11, 2016	General updates and reformatting;
January 28, 2019	Section 5.6 - MINUTES, General updates
August 26, 2019	Section 5.3 – ORDER OF BUSINESS
June 28, 2021	Section 1.4 – RULES OF DECORUM and Addendum

These Rules of Procedure supersede all other Rules and By-Laws.

ADDENDUM

LEBANON BOARDS, COMMITTEES, AND COMMISSIONS

RULES OF DECORUM AND COMMITMENT TO CIVIL BEHAVIOR

It is acknowledged that:

1. Civil, respectful, and courteous discourse and behavior are conducive to the democratic and harmonious airing of concerns and decision making.
2. Uncivil discourse and/or discourteous and inappropriate behavior have a negative impact on the character and productivity of the decision-making process.
3. Anger, rudeness, ridicule, obscene or profane language, impatience, and lack of respect for others and personal attacks are not acceptable behavior.
4. Demonstrations in support or opposition to a speaker or idea are not permitted by members of the Board. The Chairman is responsible for maintaining order. Failure to abide by this requirement may result in the forfeiture of the speaker's right to speak.

To maintain a cohesive, productive working environment, the members of the Lebanon Boards, Committees, and Commissions commit to:

1. Supporting the Board's mission.
2. Showing respect to each other as appointed members and staff representatives to the Board.
3. Promoting civility during Board meetings and tolerating nothing less.
4. Demonstrating reflective listening and not displaying negative body language (for example eye rolling, pencil tapping, shrugging of one's shoulders, hand gestures, etc.)
5. Allowing uninterrupted speech by those recognized as "having the floor" and refraining from speaking until recognized by the Chair.
6. Bringing appropriate committee-related concerns, issues, and conflicts to the Board for discussion.
7. Offering alternative solution(s) when addressing a problem or issue.
8. Maintaining the confidentiality of material discussed during closed Board meetings.

PLEDGE OF CIVILITY

The manner in which we govern ourselves is often as important as the positions we take. The City's collective decisions will be better and truer to our mission when differing views have had the opportunity to be fully vetted and considered. All those who appear before the City's boards, committees, and commissions have the right to be treated with respect, courtesy, and openness. We value all input.

Accordingly, we commit to conduct ourselves at all times with civility and courtesy, to both those with whom the Board interacts and to each other. We also pledge to endeavor to correct ourselves, should our conduct fall below this standard.

The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

Lebanon Planning Board
City Hall
51 N Park Street
Lebanon, New Hampshire 03766

August 26, 2024

Dear Chair Faunce and Planning Board Members:

In 2011 the State Legislature designated segments of the Mascoma River as a protected river under the New Hampshire Rivers Management and Protection Program (RMPP). The Mascoma River was designated because of the broad range of natural and cultural resources it provides along its length from Canaan Center to West Lebanon. Designation calls for protection and management of New Hampshire's outstanding rivers through a two-tiered approach: state protection of instream values and local management of riparian lands. Shortly after the designation of the Mascoma River, the Mascoma River Local Advisory Committee (LAC) formed to give the local communities a voice in the management of the river that flows through their city and towns. Unfortunately, the Mascoma River LAC is no longer active. We wish to revitalize the LAC to ensure the valuable work of the former members, such as the Mascoma River Management Plan that was started but not finished, is not lost and your communities' voices continue to be heard. We want to make certain that Lebanon is fully represented on the committee so that the city's needs and concerns pertaining to the river are recognized.

NHDES seeks your help to identify up to three individuals interested in serving on the Mascoma River LAC to represent the City of Lebanon. LAC members must be New Hampshire residents and are nominated to the committee by the municipality they represent. These nominations are then confirmed by the statewide Rivers Management Advisory Committee. Members represent a broad range of interests including, but not limited to, local government, business, conservation, recreation, agriculture, and riparian landowners (those who own property adjacent to the river). Each member serves a term of three years.

Please find attached a Local River Management Advisory Committee Nominee Form for your convenience. More information on the RMPP and designated rivers can be found in the RMPP factsheet. NHDES appreciates your anticipated cooperation and participation in these efforts to protect and manage New Hampshire's rivers. Local Advisory Committees play a key role in the state-local partnership that is one of the cornerstones of the Rivers Management and Protection Program. Please contact Tracie Sales, Rivers and Lakes Programs Administrator, at Tracie.J.Sales@des.nh.gov or (603) 271-2959 if you have any questions regarding the RMPP or the nomination process.

Sincerely,

Robert R. Scott
Commissioner

ec: David Rosengarten, Mascoma River LAC Representative
Tracie Sales, Rivers and Lakes Programs Administrator, NHDES

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