

Planning Board Housekeeping

Stephanie N. Verdile
NH Housing Appeals Board
stephanie.n.verdile@hab.nh.gov
603-271-1191

Agenda

The Planning Board

Applicable Laws

Public Notifications

Application types

Meeting Management

Office Management

Q&A is in the “Planner Is In Session”

Land Use Board Definition

672:7 Local Land Use Board. – " Local land use board " means a **planning board**, historic district commission, inspector of buildings, building code board of appeals, zoning board of adjustment, or other board or commission authorized under RSA 673 established by a local legislative body.

673:1 Establishment of Local Land Use Boards. –
I. Any local legislative body may establish a **planning board**, the members of which shall be residents of the municipality.

Planning Board

673:8 Organization. – Each local land use board shall elect its chairperson from the appointed or elected members and may create other offices as it deems necessary.

Practice Pointer-Officers can be Chair, Vice-Chair and Secretary

673:9 Term of Chairperson and Officers. –

The term of every officer and chairperson elected by a local land use board shall be one year. Both the chairperson and officers shall be eligible for reelection.

II. In the case of planning boards, an ex officio member **shall not** serve as chairperson.

676:1 Method of Adopting Rules of Procedure. – Every local land use board shall adopt rules of procedure concerning the method of conducting its business.

Rules of procedure shall be adopted at a regular meeting (***recommend a Public Hearing**) of the board and shall be placed on file with city, town, village district clerk, or clerk for the county commissioners for public inspection. The rules of procedure shall include when and how an alternate may participate in meetings of the land use board.

Review with Municipal Counsel!

Planning Board cont'd

674:1 Duties of the Planning Board. –

I. It shall be the duty of every planning board established under RSA 673:1 to prepare and amend from time to time a master plan to guide the development of the municipality.

Every planning board shall from time-to-time update and amend the adopted master plan with funds appropriated for that purpose by the local legislative body.

Practice Pointer-review annually and update every 5 years

(a) The planning board shall have responsibility for promoting interest in, and understanding of, the master plan of the municipality. In order to promote this interest and understanding, the planning board may publish and distribute copies of the master plan, or copies of any report relating to the master plan and may employ such other means of publicity and education as it may deem advisable.

(b) The planning board shall also have authority to make any investigations, maps and reports, and recommendations which relate to the planning and development of the municipality.

Planning Board cont'd

674:III. Members of the planning board, when duly authorized by the board as a whole, may attend municipal planning conferences or meetings, or hearings upon pending municipal planning legislation. The planning board may by majority vote authorize the payment of reasonable expenses incident to such attendance.

V. The planning board may, from time to time, recommend to the local legislative body amendments of the zoning ordinance or zoning map or additions thereto.

VI. In general, the planning board may be given such powers by the municipality as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purposes of this title.

Subdivisions, Site Plans, Excavation Operations, etc.

Know these laws!

RSA 36 - Regional Planning Commissions (RPCs)

RSA 36:54 – Review of Developments of Regional Impact(DRI)

RSA 36:56 and 57 – Review of DRI, Procedure

RSA 36-A – Conservation Commissions

RSA 155-E – Local Regulation Excavations

RSA 91-A – Access to Governmental Records and Meetings

RSA 483-B – Shoreland Water Quality Protection Act

RSA 672-679 - Planning and Zoning

Know these laws cont'd

Chapter 672 General Provisions

Chapter 673 Local Land Use Boards

Chapter 674 Local Land Use Planning and Regulatory Power

Chapter 675 Enactment and Adoption Procedures

Chapter 676 Administrative and Enforcement Procedures

Chapter 677 Rehearing and Appeal Procedures

Chapter 678 Community Services and Care Planning Boards

Chapter 679 Housing Appeals Board

Wait, is it a Public Hearing or Public Meeting?

•Public Hearing vs. Public Meeting

Public Hearing-

- A meeting duly announced and advertised in advance that is open to the public and called by the town council, board, or commission of the town for the purpose of taking formal public comment, both in favor and opposition to a proposed action and to make decisions on the action.

Public Meeting-

- An **informal** meeting, hearing, or workshop of a municipal board, committee, commission or governing body or their representatives where the public may attend and may provide input.

Know these laws TOO!

RSA 91-A

Definitions-

- **Advisory Committee-** any committee, council, commission, or other like body whose primary purpose is to consider an issue or issues designated by the appointing authority so as to provide such authority with advice or recommendations concerning the formulation of any public policy or legislation that may be promoted, modified, or opposed by such authority.
- **Governmental records-** any information created, accepted, or obtained by, or on behalf of, any public body, or a quorum or majority thereof, or any public agency in furtherance of its official function.

"governmental records" **includes any written communication or other information**, whether in paper, electronic, or other physical form, received by a quorum or majority of a public body in furtherance of its official function, whether at a meeting or outside a meeting of the body.

"governmental records" shall also include the term "public records."

91-A Cont'd

IV. "Information" means knowledge, opinions, facts, or data of any kind and in whatever physical form kept or maintained, including, but not limited to, written, aural, visual, electronic, or other physical form.

V. "Public agency" means any agency, authority, department, or office of the state or of any county, town, municipal corporation, school district, school administrative unit, chartered public school, or other political subdivision.

VI. "Public body" means any of the following:

(a) The general court including executive sessions of committees; and including any advisory committee established by the general court.

(b) The executive council and the governor with the executive council; including any advisory committee established by the governor by executive order or by the executive council.

(c) Any board or commission of any state agency or authority, including the board of trustees of the university system of New Hampshire and any committee, advisory or otherwise, established by such entities.

(d) Any legislative body, governing body, board, commission, committee, agency, or authority of any county, town, municipal corporation, school district, school administrative unit, chartered public school, or other political subdivision, or any committee, subcommittee, or subordinate body thereof, or advisory committee thereto.

(e) Any corporation that has as its sole member the state of New Hampshire, any county, town, municipal corporation, school district, school administrative unit, village district, or other political subdivision, and that is determined by the Internal Revenue Service to be a tax-exempt organization pursuant to section 501(c)(3) of the Internal Revenue Code.

91-A Cont'd

91-A:2 Meetings Open to Public

A “meeting”-means the convening of a quorum of the membership of a public body, as defined in RSA 91-A:1-a, VI, or the majority of the members of such public body if the rules of that body define "quorum" as more than a majority of its members.

A “meeting” takes place whether in person, by telephone, **electronic communication**, or in any other manner such that all participating members are able to communicate with each other contemporaneously, for the purpose of discussing or acting upon a matter or matters over which the public body has supervision, control, jurisdiction, or advisory power. ***Review with Municipal Attorney**

-NOT A MEETING-

A chance, social, or other encounter not convened for the purpose of discussing or acting upon such matters shall not constitute a meeting if no decisions are made regarding such matters.

91-A Cont'd

91-A:2 Meetings Open to Public cont'd

"Meeting" shall also **not include**:

(a) Strategy or negotiations with respect to collective bargaining;

(b) Consultation with legal counsel;

(c) A caucus consisting of elected members of a public body of the same political party who were elected on a partisan basis at a state general election or elected on a partisan basis by a town or city which has adopted a partisan ballot system pursuant to RSA 669:12 or RSA 44:2; or

(d) **Circulation** of draft documents which, when finalized, are intended only to formalize decisions previously made in a meeting; provided, that nothing in this subparagraph shall be construed to alter or affect the application of any other section of RSA 91-A to such documents or related communications.

Review these laws with your municipal attorney.

Come up with a policy for circulating minutes/decisions and review with the boards

91-A Cont'd

•91-A:2. II MEETINGS

- All meetings, whether held in person, by means of telephone or electronic communication, or in any other manner, shall be open to the public. Except for town meetings, school district meetings, and elections, no vote while in open session may be taken by secret ballot.
- Any person shall be permitted to use recording devices, including, but not limited to, tape recorders, cameras, and videotape equipment, at such meetings.
- Minutes of all such meetings, including nonpublic sessions, shall include the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions. The names of the members who made or seconded each motion shall be recorded in the minutes.
- **SITE WALKS ARE MEETINGS**
 - **Review with your municipal attorney**

91-A Cont'd

91-A:2. II

Subject to the provisions of RSA 91-A:3, **minutes shall be promptly recorded and open to public inspection not more than 5 business days after the meeting**, except as provided in RSA 91-A:6. and shall be treated as permanent records of any public body, or any subordinate body thereof, without exception.

Except in an emergency or when there is a meeting of a legislative committee, **a notice of the time and place of each such meeting, including a nonpublic session, shall be posted in 2 appropriate places one of which may be the public body's Internet website, if such exists, or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings**

Know these laws! 672-676

672:2 Definitions of Words and Phrases-

- ❖ Abutter, 672:3 Abutter-means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term " abutter " shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, **in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII.** For purposes of receipt of notification by a municipality of a local land use board hearing, **in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term " abutter " includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.**

673: Local Land Use Boards

- ❖ Planning Board, Zoning Board, board member terms, when to hold meetings

673:17 Open Meetings; Records. – Each local land use board shall hold its meetings and maintain its records in accordance with RSA 91-A. (91-A:2).

- ❖ This would include land use board and committee meetings.
- ❖ Public meetings only need an agenda

Know these laws! 672-676 cont'd

675 Enactment and Adoption Procedures

- Procedures for notice of public hearing for the amendment of master plans, site plan, subdivision, historic district regulations, and zoning ordinances and maps.

675:6 Method of Adoption

- Process to amend or adopt master plan, subdivision, site plan and historic district regulations

675:7 Notice Requirement for Public Hearing

- Amendments for land use regulations
- **At least one public hearing required**

Know these laws! 672-676 cont'd

676: Administrative and Enforcement Procedures

- Rules of Procedure 676:1
- Joint Meetings 676:2
- Decisions 676:3 (this includes minutes!)
- Third Party Review 676:4-b

676:4 Board's Procedures on Plats (Planning Board)

- 676:4 I. (d)(2) holders of conservation, preservation, or agricultural preservation restrictions, and the public shall be given notice as follows:
- Abutters shall also be identified on any plat submitted to the board. The application shall also include the name and business address of every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board.

ZBA and PB Application Types

Special Exceptions (674.33.IV.(a))

- Permission to do something zoning ordinance permits under specific circumstances
- Must be in zoning ordinance!

Variances

- Permission to do something not permitted by zoning ordinance
- Five criteria, RSA 674:33, I

Special Use Permit/Conditional Use Permit 674:21.II

The Special Use Permit [SUP]/Conditional Use Permit [CUP] process is established-

- to allow for some level of oversight of a specific land use to better ensure that the use is properly designed and located on a property and
- the use does not create conflicts with and problem for abutting properties

The authority to grant and administer special use permits shall be vested in the Planning Board.

- Any persons aggrieved by a Planning Board decision on a SUP/CUP may appeal that decision to the Superior Court as provided in the manner provided by RSA 677:15 or to the Housing Appeals Board per RSA 679:5

Office Management

Process for application acceptance in the office-

1. Set deadlines for applications for Noon on deadline day

NO 4:29 PM drop offs! Stick to deadlines!

2. Create spreadsheet for tracking applications and escrow accounts-very helpful for Yr. End Reports/Town Reports
3. Consider creating a cover sheet for the application to help with tracking and quick references
4. Do not verify abutters, set an abutter policy based on number of abutters.
5. Do not make copies of applications for applicants

Office Management cont'd

Deadline day-

1. Review application materials for all submission requirements NOT for content requirements e.g., signed application, checklist, waivers, fees, escrow funds, etc.
2. Assign an application number that includes the year, Tax Map and Lot Number and application number.
3. Inform Chair number of application submissions
4. Process fees and escrow funds
5. Create the public notice and abutter notices

Meeting Management

Seven Days before meeting-

1. Prepare packets for the planning board
2. Circulate packets to the planning board and confirm board members have received their packet.
3. Prepare templates for minutes and templates for decisions for each application.
4. Review agenda with Chair

Day of meeting

1. Confirm there is a Quorum
2. Confirm applicants and agents are attending
3. Inform Chair of any changes or update to applications or agenda items

Meeting Management cont'd

“Clean Up” after meeting

1. Begin completing Notice of Decisions
2. Work on minutes and decisions (5 days to complete!)
3. Update all tracking sheets for the status of applications
4. Issue Notice of Decisions work with Chair
5. Work with applicants on getting conditions of approval completed or submitting more information
6. When conditions precedent are completed, work with applicant and Chair for final plans and signatures
7. Work on updating escrow accounts
8. Finalize file after approval and conditions of approval are complete.
9. Track conditions subsequent

Alphabet Soup of Planner-ese

BANANA- Build Absolutely Nothing Anywhere
Near Anything

CAVEmen-Citizens Against Virtually Everything

Designosaur-Designer with an enormous impact

DUDE-Developer Under Delusions of Entitlement

GOOMBA-Get Out Of My Business Area

NIMBY- Not In My Backyard

PIITBY- Put It in Their Backyard

YIMBY- Yes In My Backyard

Resources

[New Hampshire Municipal Association](#)

[New Hampshire Regional Planning Commissions](#)

[The Board of Adjustment in New Hampshire](#)

[The Planning Board in New Hampshire](#)

Additional Information

Office of Planning and Development website

- Slides and recordings of all completed webinars and previous conferences
- Schedule for 2024 upcoming webinars
- A short, anonymous online survey to gather feedback and topics for future trainings
- **OPD Planning and Zoning Training page**
- Planning and Zoning Board Tests
- Planning and Zoning Conferences

THANK YOU