

# SANBORNTON PLANNING BOARD RULES OF PROCEDURE

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**Town of Sanbornton, New Hampshire**  
**SANBORNTON PLANNING BOARD**  
**RULES OF PROCEDURE**

**I. PURPOSE**

These Rules of Procedure define the methods used by the Sanbornton Planning Board in the conduct of its business and are promulgated to develop and promote consistency in Board actions in accordance with procedural requirements of applicable State statutes.

**II. AUTHORITY AND ADOPTION**

The Sanbornton Planning Board Rules of Procedure are adopted by the Board in accordance with RSA 673 and RSA 676. Upon adoption by the Planning Board, these Rules of Procedure shall be placed on file with the Town Clerk for public inspection.

**III. ORGANIZATION**

A. Date of Annual Organizational Meeting

The Planning Board shall meet to organize at its first meeting following the Annual Town Meeting and this meeting shall be called to order by the past Chair of the Board. At this meeting, the Board shall organize for the election by voice vote of one of its officers.

B. Regular Members

1. Appointment

The Sanbornton Planning Board consists of five members appointed by the Board of Selectmen. The Selectmen shall appoint one Selectman as an Ex Officio member and shall appoint four other persons who are residents of Sanbornton to complete the Board membership.

2. Term of Service

The term of the Ex Officio member shall coincide with the term of office of the Selectman. The term of service of other Board members shall be staggered and for three years or to complete an unexpired term. The Selectmen may consult with the Planning Board to identify candidates to fill positions on the Board. Terms of service commence on the 1st of the month following the Annual Town meeting and end at the duration of three (3) years subsequent, provided however, that term shall continue until successors have been appointed.

3. Service on Other Boards

Any regular or alternate member may serve on any other municipal Board or Commission, provided that multiple memberships do not result in two (2) Planning Board members serving on the same additional Board or Commission. (RSA 673:7, I)

4. Swearing In and Oath of Office

Each newly appointed Board member, including re-appointed members, shall be sworn in and take an oath of office as required by RSA 42:1.

5. Removal of Members

Regular or alternate members may be removed, after public hearing, by the Board of Selectmen upon findings of inefficiency, neglect of duty, or malfeasance in office. (RSA 673:13)

C. Alternate Members

1. Appointment

The Selectmen may appoint up to five alternate Planning Board members, for staggered terms of three years each. (RSA 673:3)

2. Term of Service

The term of service for alternate members shall be the same as provided for regular members in Article III, B, 2.

3. Seating of Alternates for Absent Regular Members

When a regular member of the Planning Board is absent, then the Chair shall designate one (1) of the alternate members to replace him/her during some or all of the business items considered at that meeting. The designated alternate shall have all powers and duties of the replaced member for all business items considered. The same rule shall apply to members who are expected after the start of a meeting, except that the alternate shall yield back to the regular member upon his/her arrival. The Chair shall seat alternates in a rotating fashion to allow all alternate members to take part in the decision making process of the Board over time.

4. Seating of Alternates for Recused Regular Members

When a regular member of the Planning Board recuses or disqualifies himself/herself from a given application or proceeding, then the Chair shall designate one (1) of the alternate members to replace him/her.

5. Participation of Non-Designated Alternate Members

Alternate members that have not been designated or seated by the Chair to replace an absent or recused regular member may participate in meetings of the Planning Board as a non-voting member as provided by RSA 673:6 and 676:1.

D. Advisors and Advisory Committees

The Board Chair may appoint an Advisor or Advisors, Advisory Committee or Committees as appropriate. Such advisors or committee members shall be residents of Sanbornton who would otherwise qualify for positions as Planning Board members. The Advisor(s) or Advisory Committee(s) shall be used to inform the Board or to provide expertise not otherwise available or to perform such other tasks as requested by the Planning Board. Such Advisor(s) and Advisory Committee(s) may recommend policies, plans or actions to the Board but final approval of these recommendations rests solely with the Planning Board.

E. Staff

1. Town Planner

NOTE: See the Town Planner job description, as approved by the Board of Selectmen, for a detailed listing of the Town Planner's responsibilities.

In general, the duties of the Town Planner are as follows:

- a. Prepare and/or update the Master Plan as directed by the Planning Board.
- b. Review applications for the Planning Board prior to hearings to ensure compliance with the Subdivision and/or Site Plan Review Regulations.
- c. Supervise the duties of the Planning Board Secretary. The Town Planner will retain the services of a substitute secretary to perform the duties of the Planning Board Secretary in his/her absence.
- d. Perform such other duties as directed by the Planning Board.

2. Planning Board Secretary

NOTE: See the Planning Board Secretary job description for a listing of responsibilities.

In general, the duties of the Planning Board Secretary are as follows:

- a. Record and prepare meeting minutes. Compensation shall be fixed by the Planning Board, subject to appropriation at Town Meeting.
- b. Post meeting agendas, mail hearing notices, and perform other clerical tasks at the direction of the Town Planner. In the absence of the Planning Board Secretary, the Town Planner shall be responsible to ensure these clerical tasks are fulfilled.

#### IV. OFFICERS

##### A. Election

1. Officers to be Elected

Each year the Board shall elect its officers, specifically a Chair and Vice Chair. The election of Board officers shall be held at the regular meeting of the Planning Board which occurs first following the Annual Town Meeting. A minimum of three favorable votes are required to elect any officer.

2. Eligibility for Election

Only regular members of the Board shall be eligible for election as officers. The Ex Officio member may not serve as an officer.

3. Terms of Office

Officers of the Board shall serve for a term of one year and shall be eligible for re-election.

##### B. Duties of Officers

1. Presiding at Meetings

The Chair will preside at all meetings of the Board and may establish rules of order applicable to meetings.

2. Recording of Minutes

The Chair shall ensure that minutes are recorded for all Board meetings and shall appoint a temporary secretary to take minutes in the absence of the regular Planning Board Secretary.

3. Seating of Alternates

In the event a regular member is absent or whenever a regular member disqualifies themselves, the Chair shall designate and seat an alternate member, if one is present.

4. Voting

The Chair is eligible to vote on motions and shall supervise all voting by the Board. The Chair shall declare the outcome so that it can be recorded in the meeting minutes.

5. Signing of Approved Plans

The Chair shall sign and date all subdivision plats and site plans approved by the Board.

6. Determining Meeting Agendas

The Chair may exercise final decision authority in the preparation of meeting agendas.

7. Vice Chair Duties

The Vice Chair shall preside in the absence of the Chair and shall have the full powers of the Chair on matters that come before the Board in the absence of the Chair.

##### C. Succession

If the Chair is disqualified for any reason and the Vice Chair is not present, a temporary Chair shall be appointed by the Chair for the matter under discussion.

## V. MEETINGS

### A. Regular Meetings

#### 1. Scheduling

Regular meetings of the Board shall be scheduled at least once per month, at a time and place designated by the Board. If there are no applications pending before the Board, it must still hold the required monthly meeting.

##### a. Business to be Conducted

The regular monthly meeting is dedicated to review and approval of subdivision and site plans. Public hearings of the Board may only be scheduled at regular meetings.

##### b. Public Notice Requirements

Notice of all Board meetings shall be posted in two public places at a minimum of 24 hours prior to the meeting.

#### 2. Quorum

##### a. Number of Members Required

A quorum shall consist of at least three regular members or alternate members which have been designated by the Chair to vote in the place of absent regular members.

Three voting members shall constitute a quorum for the transaction of business, but a lesser number may meet and adjourn without taking action.

##### b. Recess or Adjournment

The Chair shall recess or adjourn the meeting when a quorum is not available.

#### 3. Postponement

A regular meeting may be postponed by the Chair if requested by three voting members and all members are notified.

#### 4. Cancellation

A meeting may be canceled by the Chair for due cause.

#### 5. Recess

Regular or special meetings of the Board may be recessed to a time and place certain as a continuation of said meeting without further public notice.

#### 6. Time Limitation

The Board shall not commence any items of new business which include public hearings later than 10:00 PM provided that the Board may continue to conclusion the public hearing of any item of business or item which commenced prior to that hour.

#### 7. Recording of Public Hearings

All public hearings of the Board shall be recorded by tape or other electronic device.

All such tape recordings shall be retained for 1 year and then erased for reuse.

### B. Workshop Meetings

#### 1. Purpose

The Board may hold an additional meeting each month in a planning workshop format for the purpose of conducting other planning activities.

#### 2. Business Matters Not Allowed

No business matters concerning review and/or approval of any applications shall be considered by the Board at workshop meetings.



C. Special Meetings

Special meetings, which are neither regular meetings or workshop meetings, may be called by the Chair or in her/his absence, by the Vice Chair, or at the request of three members of the Planning Board, provided that public notice of such special meeting and notice to each Board member is given at least 24 hours in advance of the time. The notice shall specify the purpose of the special meeting.

D. Emergency Meetings

When immediate action is deemed imperative, the Chair may call an emergency meeting, using whatever means are available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting.

E. Joint Meetings

1. Request for Joint Meeting

Applicants seeking a land development approval from two or more local land use boards may petition such boards for a joint meeting as provided in RSA 676:1. Also, by a majority vote of Board members present and voting, the Planning Board may request a joint meeting with other local land use boards or commissions. However, each such land use board shall have discretion as to whether or not to hold a joint meeting with any other land use board as provided in RSA 676:2.

2. Notice of Joint Meeting

Notice of a joint meeting or hearing shall be consistent with the rules of each land use board.

3. Presiding Chair

The Planning Board Chair shall preside at all joint meetings as provided in RSA 676:2.

4. Deliberations and Voting Procedure

Following a call to order, appointment of alternates to replace absent Board members, and certification of a quorum for each participating land use board, the hearing shall proceed to the applicant's petition. The procedure for testimony shall satisfy both the Planning Board's Rules of Procedure as well as those of the other participating land use boards. Each board shall deliberate and vote on decisions as separate bodies in regular or special meetings. Issuance of board decisions shall be done in compliance with RSA 676:3.

5. Minutes of Joint Meetings

Each land use board shall keep its own minutes and the recording secretaries of all such boards taking part in joint meetings shall compare their minutes thereof as soon as is conveniently possible after such meetings and resolve any conflicts with the aid of their respective Chairs.

6. Issuance of Decisions

The issuance of decisions shall be done separately by each Board according to its procedures and responsibilities.

## F. Site Inspections

### 1. Definition

A "site inspection" is defined as a visit by the Board to a property or portion of a property which is the subject of an application before the Board, where the visit is in the company of the owner, applicant, their agent(s) or employee(s) and involves going onto the property or visiting areas which are not customarily available for public inspection. (This does not include a view of a site from adjoining public highways or other adjoining property, nor does it include a view of the property or other observations that can be made without physically entering on the property.)

### 2. Reason for Requesting Site Inspection

When the Board deems it necessary for the adequate consideration of an application, the Board may request the applicant to allow a site inspection by the Board.

### 3. Public Notice Requirements

When the Planning Board schedules a site inspection the Board shall post public notice as a meeting of the Board in accordance with RSA 91-A.

### 4. Public Attendance at Site Inspection

The Board shall ask each applicant, where it deems a site inspection is advisable, as to whether members of the public-at-large may attend the site inspection. While the Board shall have the authority to conduct site inspections where public-at-large permission is not granted, such refusal may constitute grounds for the Board to decline to conduct a site inspection.

### 5. Individual Board Member Site Inspections

The practice of an applicant directly calling a Board member to invite that member to visit a property without prior notice shall be discouraged as an inappropriate course of conduct. When the Board meets to consider an application, the Board and/or individual members of the Board, shall disclose whether they have conducted a site inspection on the location under consideration.

### 6. Minutes of Site Inspections

Minutes of site inspections shall be kept only if there is a quorum of the Board conducting the site inspection.

## G. Board Decisions

### 1. Deadline for Rendering Decision

The Board shall render a written decision within 65 days of the date of acceptance of a completed application, subject to extension or waiver as provided in RSA 676:4.

### 2. Notice to Applicant with Reason for Disapproval

If the application is disapproved, the Board shall provide the applicant with written reason or reasons for this disapproval.

### 3. Public Inspection of Notice of Decision

Notice of decision will be made available for public inspection at the Planning Department offices within five (5) business days after the decision is made as required in RSA 676:3.

## H. Meeting Records

All Planning Board meeting records shall be available to the public at the Town Office within five (5) business days.

## VI. AGENDA

### A. Preparation

The Town Planner shall prepare a list of appointments for each Board meeting agenda. The agenda is subject to approval by the Chair. The Town Planner shall advise applicants of their scheduled time. Notification may be either in writing or by email. The latter is preferred, but not mandatory.

### B. Priority

Priority shall be granted to applicants who are already engaged with the Board in the planning process, where delay in scheduling would cause loss of Planning Board authority according to RSA 676:4. Otherwise, the agenda shall be prepared on a “first come first served” basis.

### C. Agenda Time Limitations

Unless authorized by the Chair, each meeting agenda shall be limited to activities which the Board can reasonably accomplish during a two (2) hour meeting period. Specified time intervals may be assigned to applicants.

### D. Rescheduling

Business not addressed will be rescheduled to a subsequent meeting. Applicants who appear for an appointment which is postponed because of adjournment shall be accorded priority in rescheduling on future agendas.

### E. Failure to Appear

Applicants who do not appear for scheduled appointments and fail to notify the Town Planner at least thirty (30) hours prior to the appointment, shall be rescheduled for a subsequent meeting at the convenience of the Board and without priority unless the Board determines the applicant failed to appear for justifiable cause.

### F. Order of Business

Unless otherwise directed by the Chair, the normal meeting procedure shall be as follows:

1. Call meeting to order by Chair, who shall validate presence of a quorum.
2. Seating of alternates to act in the place of absent regular members, if required.
3. Approval of minutes of prior meeting(s).
4. Agenda items, in order on the schedule prepared by the Town Planner, except that hearings scheduled for a specified time shall not start earlier than the appointed time. Generally, new business is considered before old business and new applications to the Board are heard before applications continued from previous meetings. For each agenda item (public hearing), the following steps shall be observed:
  - a. Statement of purpose (e.g. pre-application discussion, hearing for subdivision approval, etc.) by Town Planner.
  - b. Motion by the Board to accept or not accept the application based on completeness.
  - c. Presentation of application and plans by the applicant or applicant's representative. Request for waivers to the Subdivision or Site Plan Regulations should be made at this time.
  - d. Examination of plans, if available, and questions by Planning Board.
  - e. If the agenda item is a hearing, the public hearing begins and the floor is opened for public comment. And statements are taken from abutters, public officials, and the general public. Speakers shall identify themselves and state

their interest in the hearing. The Chair may place a time limit on such statements, if appropriate.

- f. Discussion by Planning Board regular members and alternates.
  - g. Motion and second by Board members to approve or deny the subdivision or site plan.
  - h. Discussion by Planning Board members on motion.
  - i. Chair restates the motion for clarification. Vote on motion. A majority of members present and voting is necessary to carry.
  - j. Declaration of vote outcome by the Chair.
  - k. Verbal explanation of outcome to applicant. If approval is conditional, this shall be explained and the conditions shall be recorded in the meeting minutes. The Chair may explain to the applicant that the Board action will be documented and a “Notice of Decision” sent by letter to the applicant and representative.
  - l. Processing of plans, etc., if applicable. The Board shall be responsible to record approved plans in the Belknap County Registry of Deeds. Any fees associated with the filing of a plan must be paid prior to filing the plan
5. Other Business
  6. Planner’s Update
  7. Adjournment

## **VII. RULES OF ORDER**

Meetings will be conducted in accordance with Roberts Rules of Order (revised edition).

The Chair shall establish such rules of parliamentary procedure as are necessary, subject to the provision that the Chair may be overruled by a majority vote of the Board.

## **VIII. PLANNING BOARD DUTIES**

### **A. Planning**

1. Prepare and amend Master Plan to guide development of town.
2. Conduct planning surveys and prepare reports relating to Sanbornton.
3. Formulate and submit recommendations to appropriate public officials and public agency programs for town development, erection of public structures, and municipal improvements.
4. Consult with and advise public officials and agencies, public utility companies, civic, educational, professional, research, and other organizations, and consult with citizens to protect and implement the Master Plan.

### **B. Zoning Ordinance Amendments**

Recommend to the local legislative body amendments or additions to the Zoning Ordinance or Zoning Map.

### **C. Subdivision and Site Plan Regulations**

1. Update and administer the Subdivision Regulations and Site Plan Regulations.
2. Review and approve subdivisions and site plans in accordance with the Subdivision Regulations and Site Plan Review Regulations.
3. Approve erosion control plans and establish bond amounts when applicable in site plan and subdivision plan reviews.

- D. Building Permits on Class VI Roads  
Review applications for building permits on Class VI roads as provided in RSA 674:41.
- E. Annual Report  
Prepare an annual report of Planning Board activities to be included in the Town Report.
- F. Capital Improvements Program  
Prepare and update the town Capital Improvements Program, unless a similarly charged committee is created and appointed by the Town's legislative body.

## **IX. OTHER PLANNING BOARD ACTIVITIES**

- A. Use of Legal Counsel  
Use of town counsel or other private counsel shall be by the Board following authorization by the Board of Selectmen.
- B. Attendance at Planning Conferences  
Attend municipal planning conferences or meetings.
- C. Contact with News Media
  - 1. Official contact with the news media shall be by the Chair, other designated Planning Board member or the Town Planner following authorization by the Board.
  - 2. The majority opinion of the Planning Board shall be reflected in media contacts. Dissenting opinions may also be aired if approved by the Board.
- D. Contact with Applicants and the General Public
  - 1. Questions pertaining to applications, Planning Board procedure and local regulations will be addressed by the Town Planner.
  - 2. Board members are encouraged to refer questioners to the pertinent Town land use regulations and to explain the procedure applicants must follow.
  - 3. Board members should refrain from discussions related to appropriateness of plans. If absolutely mandatory, discussions should be specifically understood by the applicant to be not binding on the Board.
- E. Ethics
  - 1. Board members are bound by oath to uphold Town and State laws, ordinances, regulations, and rules.
  - 2. Board members shall disqualify themselves from hearings where the member has an interest in the outcome as defined in RSA 673:14. Members shall also disqualify themselves when they are related to the applicant, when they own abutting property, where the member has advised or assisted the applicant in preparing the plans, or where personal prejudice may be a factor.
- F. Conflicts of Interest
  - 1. Regular and alternate members shall not participate in deciding or sit in hearing where the Board functions in a quasi-judicial capacity and where said member has a direct personal or pecuniary interest in the outcome of such decision or hearing different from the interest of other citizens or where the member could not meet the "juror" standard of RSA 673:14[I]. ("Quasi-judicial" capacity means the Planning Board acting in the role of a "judge" relative to development applications).

2. Where uncertainty arises as to disqualification of a member under RSA 673:14[1], the Board shall vote on whether the member should be disqualified, per RSA 673:14[III]. Such a Board vote is advisory and is not binding on the affected member.
3. In the case of disqualification, an alternate member shall be seated for Board action.
4. Board members who are abutters to a development proposal under review are automatically disqualified from deciding or sitting in hearing on said proposal.
5. Board members should not confer outside of prescribed regular or special meetings with project applicants or their representatives or with proponents, opponents or any other party with an interest in any project application. However, members are free to discuss project applications, pursuant to project review duties, with each other, the Town Planner, other town staff and consultants outside of Board meetings, given that any "quorum" discussion requires meeting notice.
6. Board members shall not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, premises or in some other form), under circumstances in which it could be reasonably inferred that the gift was intended to influence them in the performance of their duties or was intended as a reward for any recommendation or decision on their part.
7. Board members who may receive some personal benefit from a Planning Board decision must not participate in that decision. The personal benefit may be direct or indirect and may create a material personal gain or provide an advantage to relations, friends, groups or associations that hold a significant share of the official's loyalty. Any Board member with a conflict of interest must make that interest public, abstain from voting on the matter, and except as specified below, leave the table or podium area when the Board deliberates and votes on a matter.
8. In circumstances where the number of Board members who may not participate results in less than a quorum being able to participate in a given question, the abstaining members may be counted as "present" for purposes of determining whether a quorum is present although they are not allowed to participate in any way other than abstaining. A Board member who is participating only for the purpose of being counted for the presence of a quorum shall be entitled to sit at the table or podium area, provided that he/she may not participate, comment, or make any indication of his/her position.
9. Board members must not disclose or improperly use confidential information obtained in the course of their duties for financial gains or further a personal interest.
10. Board members share a responsibility to enforce adherence to the standards of conduct herein. If a member believes that one or more members may either intentionally or inadvertently be in violation of these standards, s/he shall call that fact to the attention of the Chair who shall in turn call it to the attention of the Board member in question. In the event of a dispute as to whether a Board member should or should not participate, the question shall be posed to the Board, as to whether the member in question should or should not participate. Such vote shall be advisory and non-binding and not be requested by other than Board members.
11. All discussions between Board members and applicants or their agents regarding matters to be decided by the Board shall take place at public hearings as part of the public record.

## **X. AMENDMENTS**

### **A. Process**

These Rules of Procedure may be amended by a majority vote of the members of the Board provided that any such amendment is consistent with State statutes.

### **B. Signing and Filing**

The amended procedures shall be signed by the majority of Planning Board members present and filed with the Town Clerk for public inspection.

The members of the Sanbornton Planning Board, listed and signed below, hereby certify that the above-listed RULES OF PROCEDURE of the Sanbornton Planning Board, were formally adopted by the Board at a duly noticed public meeting on April 19, 2012, according to Section X, B. of said RULES.

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Donald Bormes, Chairman,

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Carmine Cioffi, Vice Chairman

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Karen Ober, Ex Officio Selectman Representative

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Evelyn Auger, Member

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Richard Gardner, Member

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Will Ellis, Alternate Member

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James N. "Nick" Orgettas, Alternate Member

Adopted by SPB: 04/19/2012