



City of Manchester Planning Board
Manchester Planning & Community Development Department
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BY-LAWS AND RULES FOR THE TRANSACTION OF BUSINESS

Adopted: May 10, 1973
Amended: October 24, 1985; May 22, 1986; February
12, 1987; June 14, 1990, and
November 16, 2017

ARTICLE I – PURPOSE AND AUTHORITY

The purpose of these bylaws is to establish the rules by which the City Planning Board of Manchester, New Hampshire (hereinafter “Planning Board”) conducts its business. These rules are adopted pursuant to the RSA 673, RSA 676, and Chapter 152 of the City of Manchester Code of Ordinances (hereinafter “Chapter 152”).

ARTICLE II – APPOINTMENT AND TERMS OF MEMBERS

Section 1.

The Planning Board shall consist of 9 full members and be comprised as follows:

(a) The Mayor or, with approval of the Board of Mayor and Alderman (hereinafter “BMA”), the mayor’s designee, who shall be an ex-officio member;

(b) An administrative official of the city, selected by the Mayor, who shall be an ex-officio member;

(c) A Member of the BMA, selected by the BMA, who shall be an ex-officio member;

(d) Six Members nominated by the Mayor and confirmed by the BMA.

Section 2.

The Planning Board shall consist of four alternate members, including 1 member of the BMA (selected as above in Article II.1(c)), and three Members nominated by the Mayor and confirmed by the BMA.

Section 3.

All members of the Planning Board shall be residents of the City of Manchester.

Section 4.

Appointed Planning Board members shall serve for three-year terms, and shall be limited to two consecutive terms on the Board, consistent with Section 3.14 (d) of the City Charter. Ex-officio members may serve for the duration of the term of their other office, except that the term of the mayor’s designee terminates with the Mayor’s term in office.

ARTICLE III – REMOVAL OF MEMBERS

Members of the Planning Board may be removed from their position on the Planning Board for inefficiency, neglect of duty, or malfeasance in office. Removal shall be initiated by written findings of the Mayor, which shall be filed with the City Clerk’s Office and shall include a statement of reasons for the removal. Removal shall not occur until a public hearing is conducted.

ARTICLE IV – OFFICERS AND THEIR DUTIES

Section 1.

The officers of the Planning Board shall consist of a chairman and a vice-chairman and shall be appointed, not *ex-officio*, members.

Section 2.

The Chairman shall preside at all meetings of the Planning Board and shall have the powers and duties normally conferred by parliamentary usage of that office and such special duties as are further prescribed in these bylaws. Such duties shall include, but not be limited to, calling meetings to order, announcing the business before the Planning Board, recognizing Planning Board members entitled to the floor, stating and putting to vote all duly made motions, recognizing members of the

public, and limiting extraneous or dilatory discussion.

In accordance with Robert's Rules of Order, the Chairman may make motions and vote on all questions. The Chairman shall sign the approved meeting minutes.

- Section 3.** The Vice Chairman shall perform all the duties of the Chairman in his/her absence or disability and such other and further duties as may from time to time be required or requested of him/her by the Planning Board.
- Section 4.** In the absence of the Chairman and Vice-Chairman, members present, by majority vote, may select a chairman *pro tem*, who will perform all the duties of the Chairman until such time as the Chairman or Vice-Chairman is again present. *Ex-officio* members shall not be eligible to hold the position of chairman *pro tem*.
- Section 5.** The Staff of the Planning and Community Development Department shall keep the minutes and records of the Planning Board, prepare and distribute the agenda of regular and special meetings, provide notice of meetings to Planning Board members, arrange proper and legal notice of hearings and meetings, attend to correspondence of the Planning Board and perform such other duties as are normally carried out by a secretary.

ARTICLE V – ALTERNATE MEMBERS

- Section 1.** Whenever a regular member of the Planning Board is absent or disqualifies himself/herself from consideration and action on a matter before the Board, the Chairman shall designate an alternate member, if one is present, who has been appointed in accordance with RSA 673:6, to act in the regular member's place. That alternate member shall have all privileges accorded a regular member until the Planning Board has completed its consideration of a specific matter for which an alternate member has been designated as a result of a disqualification or, in the event of an absence, until the regular member joins or rejoins the Planning Board or until the meeting is adjourned. The minutes shall note when an alternate member has been designated.
- Section 2.** Where there is more than one alternate member present at a Planning Board meeting, the Chairman shall designate alternate members to fill vacant positions on a rotational basis or by such other means as the Chairman shall determine.
- Section 3.** The alternate member designated as the alternate for the aldermanic member of the Planning Board shall only serve as the alternate member for the aldermanic member and shall be the only alternate member to serve in the aldermanic member's position.
- Section 4.** Alternate Planning Board members may participate in general discussions at all meetings as non-voting members.

ARTICLE VI – ELECTION OF OFFICERS

- Section 1.** Nomination of officers shall be made at the annual organizational meeting and the election of officers shall follow immediately thereafter. The Planning Board shall elect officers from among its appointed, not *ex-officio*, members. Officers' terms shall be one year. Officers shall be eligible for re-election.
- Section 2.** Nominations for officers may be made by regular members or alternate members. The chairman shall recognize each member wishing to make a nomination. When all nominations have been made, the chairman shall close the nominations. No seconds shall be required for nominations.
- Section 3.** A candidate receiving a majority vote of the present, voting membership of the Planning Board shall be declared elected.
- Section 4.** Any vacancy of an office shall be filled as soon as practicable.

ARTICLE VII – MEETINGS AND CONDUCT OF BUSINESS

- Section 1.** The Planning Board shall hold at least one regular meeting in each month. Meetings of the Planning Board shall normally be held on the first and third Thursday in each month. Normally, the first meeting of the month will be for the purpose of, and limited to, conducting hearings on applications before the Board. Generally, the second meeting of the month will be for the purpose of deliberating on applications for which a hearing has been held and conducting other business before the Board.
- Section 2.** The conduct of business will be in accordance with Robert's Rules of Order. Should any provision of these bylaws conflict with Robert's Rules of Order, these bylaws shall apply.
- Section 3.** An annual organizational meeting shall be held at the regular business meeting in May of each year.
- Section 4.** Five voting-eligible members of the Board shall constitute a quorum necessary in order to transact business at any meeting of the Board. Whenever a quorum is not present at a regular meeting, special meeting or hearing, the meeting will be considered adjourned and will be re-scheduled to another time and place as the Chairman or Planning Staff may deem appropriate.
- Section 5.** Special meetings may be called by the Chairman to consider such matters and at such time and place as he/she may deem appropriate. It shall be the duty of the Chairman to call such a meeting when requested to do so by a majority of the members of the Planning Board. The notice of such a requested meeting shall specify the purpose of such a meeting and no other business may be considered except by unanimous consent of those present. The Planning Staff shall notify all members of the Planning Board in advance of such requested special meeting, and shall post notice of such meeting in accordance with RSA 676:4.
- Section 6.** The order of business at regular meetings, special meetings or hearings shall be as specified on the agenda. The Chairman may take

agenda items out of order, however, if reasonably appropriate. The order of business at regular meetings may include approval of the minutes of previous meetings as well as new business that any Planning Board member or Planning staff may introduce.

Section 7. At any meeting held for the purpose of deliberating on applications for which a hearing has been held and conducting other business before the Planning Board, no one other than Planning Board members and Planning Staff will be allowed to address the Planning Board unless this Section is specifically waived in accordance with Article X of these By-Laws.

Section 8. Actions shall be taken on the basis of motions that are duly seconded and made by any voting member of the Board. The number of votes necessary to transact business shall be a majority of those members present and voting except that no issue is to be considered passed that receives less than three affirmative votes. Any member may request recording of his/her vote or abstention on any issue or his withdrawal from consideration on any issue with the reason stated therefore, and at the request of any member, the Chairman shall call for recorded roll call vote on any issue.

Section 9. All meetings shall be held in accordance with RSA 91-A.

ARTICLE VIII – COMMITTEES

Special purpose and study committees as the Planning Board may from time to time deem necessary in order to conduct its business, shall be appointed by the Chairman. Any such committees shall cease to exist when their final report is acted upon by the Planning Board or at the next annual organizational meeting, whichever is sooner.

ARTICLE IX – HEARINGS

Section 1. The Planning Board shall hold public hearings in all instances required by State and local law, including applications for applicable development approvals and amendments to applicable regulations. In the case of applications for development approvals, the purpose of public hearings shall be for (1) applicants to present testimonial and documentary evidence in support of their applications, (2) abutters and members of the general public to have an opportunity to gain a reasonable understanding of the matter before the Planning Board and to testify on the matter, and (3) the Planning Board to receive evidence from the applicant and abutters that is sufficient, in the Planning Board's discretion, to make a decision on the matter.

Section 2. To afford abutters their legal right to witness and testify about matters before the Planning Board, the Planning Board should not allow any documentary or testimonial evidence into the record after the public hearing has been closed. Accordingly, the chairman should gain the consensus of the Planning Board that it has received sufficient evidence on which it can make a decision prior to closing a public hearing.

Section 3. Notice of such hearings shall be provided in accordance with applicable State statutes.

Section 4. The Planning Board may, at its discretion, hold joint hearings with any other land use board in accordance with RSA 676:2. The rules of procedure for joint hearings in matters pertaining to the Planning Board's jurisdiction shall be the same as those for other hearings held by the Planning Board.

Section 5. A record shall be kept of those speaking before the Planning Board at such hearings.

ARTICLE X – AMENDMENTS

Section 1. The Planning Board may suspend any of these rules by a unanimous vote.

Section 2. These rules may be amended at any regular or special meeting by a two-thirds vote of the entire voting membership present.