

ALTERNATE MEMBERS

Planning boards may have up to 5 alternate members, as determined by the local legislative body. The term of an alternate member is 3 years. For appointed planning boards, the alternate members are appointed by the appointing authority; in the case of elected planning boards, the board itself appoints its alternate members.

Alternate members are encouraged to attend all planning board meetings. Furthermore, RSA 673:6, V authorizes alternate members to participate in meetings of the board as non-voting members pursuant to the board's adopted rules of procedure. Regular participation best prepares alternates to be ready to serve when called upon or to fill future vacancies. Alternate members may vote only when they are specifically designated to sit in the place of a member who is either absent or has disqualified him or herself. The chair designates which alternate shall serve in the place of a regular member; however, the selectmen must designate their alternate if the selectman *ex officio* cannot serve. The board should review its rules of procedure to make sure they define how and when an alternate may participate in a meeting of the board.

PLANNING BOARD MEMBERS SERVING ON OTHER BOARDS

Pursuant to RSA 673:7, the law prohibits more than one planning board member from also serving on the conservation commission, the board of selectmen, or any other local land use board (such as the zoning board of adjustment, historic district commission, etc.) as defined in RSA 672:7.

In 2019, RSA 673:7 was amended to remove the distinctions between the planning board members of towns and cities. Specifically, it removed certain prohibitions against appointed city planning board members holding other municipal office.

In counties with unincorporated towns or unorganized places, the county commissioners shall determine which members of the planning board may serve on other municipal boards or commissions.

REMOVAL OF MEMBERS

Regular and alternate members may be removed from the planning board only after a public hearing and only upon written findings of inefficiency, neglect of duty, or malfeasance in office. A written statement of reasons for removal must be filed with the city or town clerk, the village district clerk, or the clerk for the county commissioners, whichever is appropriate.

In the case of an appointed member, only the appointing authority may remove the member. The board of selectmen may remove an elected planning board member or alternate.

The term "inefficiency" seems like a much lesser standard than "neglect of duty" or, especially, "malfeasance." Good judgment and caution are urged if you are tempted to begin removal proceedings based on the inefficiency standard. When considering malfeasance, remember that the complete statutory phrase is "malfeasance in office." The malfeasance must relate to the performance of the land use board member's duties as a board member.

Finally, be aware that if a member is removed from office and then successfully appeals the removal to superior court, it is likely that the town will have to pay that person's attorney's fees, which could be a substantial cost. Consultation with your municipal attorney is strongly advised before beginning removal proceedings.