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**Town Planner's Review**  
**Wednesday, March 10, 2021**

VIII. **Public Hearing – Amendment to Planning Board Rules of Procedure.**

Amendment regarding remote participation of members to make consistent with state statute.

- I recommend that the board adopt the proposed amendment.

The existing language was included as part of the broad set of revisions to the Rules of Procedure adopted August 28, 2019. The provisions delineated in the pertinent state statute provide a more appropriate process (though these provisions were adopted in 2019 prior to the Covid emergency).

**Durham Planning Board Rules of Procedure:**  
**Section IV – MEETINGS**

**Existing language:**

4.10 Remote Participation of Members. A member who is not physically present may participate in the meeting provided: 1) the board votes to allow the remote participation; 2) it was not reasonably practical for the member to attend the meeting in person; 3) the absent member can hear the proceedings; and 4) everyone at the meeting can hear the absent member. Except in an emergency, at least a quorum of the board must be physically present at the meeting.

**Proposed new language:**

4.10 Remote Participation. A member who is not physically present may participate in the meeting pursuant to the requirements of RSA 91-A:2 paragraph III.

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Here is the pertinent statute:

91-A:2 III. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.

(a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical.

Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.

(b) Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an "emergency" means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the public body, and the facts upon which that determination is based shall be included in the minutes of the meeting.

(c) Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location. Any member participating in such fashion shall identify the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.

(d) Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.

(e) A member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.