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Town Planner's Review
Wednesday, February 24, 2021

XI. Other Business

- **Possible change to Rules of Procedure regarding standing and public input**

➤ I recommend that the board discuss whether an amendment to the rules is needed.

Paul Rasmussen, Planning Board chair, raised this issue for the board's consideration. State law provides that abutters, easement holders, and other persons as permitted by the Planning Board may speak at a hearing.

It has always been the policy of the board, as far as I know, to allow any interested person to speak at a hearing. We pride ourselves on Durham being an engaged community where many residents who are not abutters to projects are nonetheless willing to come to a meeting to share their thoughts about a matter that they care about.

Now with meetings being held over zoom the more likely possibility exists of somebody speaking at a meeting from outside of Durham who has no legitimate interest in the proceedings. Such a person would not have *standing*, meaning they do not have a legitimate interest in a matter before the board. So the question arises whether we should incorporate any specific language in the Rules of Procedure (There is none now) regarding standing or whether the existing state law is sufficient.

Here is the pertinent state law:

672:3 Abutter. – "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.

676:4 I.

(e) Except as provided in this section, no application may be denied or approved without a public hearing on the application. At the hearing, any applicant, abutter, holder of conservation, preservation, or agricultural preservation restriction, or any person with a direct interest in the matter may testify in person or in writing. Other persons may testify as permitted by the subdivision regulations or the board at each hearing.