

**TOWN OF DUNBARTON
PLANNING BOARD
RULES OF PROCEDURE**

A. AUTHORITY

These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 676:1.

B. MEMBERS AND ALTERNATES

1. The Planning Board shall consist of seven members. One of those members shall be a selectman designated by the Board of Selectmen as an ex-officio member with power to vote.
2. Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673. Members of the Board have limitations on multiple memberships set forth in RSA 673:7.
3. Members must reside in the community and are expected to attend each meeting of the board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the Planning Office Administrator as soon as possible. Members, including the Chair and all officers, shall participate in the decision-making process and vote to approve or disapprove all motions under consideration.
4. Each newly elected or appointed (including re-elected or re-appointed) member shall be sworn in by the Dunbarton Town Clerk and take an oath of office as required by RSA 42:1.
5. Alternate members may serve on the Planning Board as authorized by RSA 673:6 and participate as non-voting members.
6. Up to five alternate members may be appointed, as provided for by the local legislative body, and should attend all meetings to familiarize themselves with the workings of the board to stand ready to serve whenever a regular member of the board is unable to fulfill his/her responsibilities.
7. At planning board meetings, alternates who are not activated to fill the seat of an absent or recused member or who have not been appointed by the chair to temporarily fill the unexpired term of a vacancy, may participate with the board in a limited capacity. During a public hearing, alternates may sit at the table with the regular members and may view documents, listen to testimony, and actively participate and interact with other board members, the applicant, abutters and the public. However, they shall not be allowed to make or second motions and shall not participate in any way during the deliberations by the board. Upon the close of the public hearing, alternates must remove themselves from the table and sit with other members of the public unless they are sitting in place of another member. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motions or votes that may be made. At all times, the Chair shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application.

8. The Board's agent shall forward to the municipal clerk for recording the appointment/election and expiration dates of the terms of each member of the Board.

C. BOARD AGENT

The Board of Selectmen may appoint an agent charged with the responsibility of receiving and processing for the Planning Board all applications, layouts, and final plats and to review such for determination if the requirements of the Subdivision and Site Plan Regulations have been met.

D. OFFICERS

1. The officers of the Board shall be as follows:

- **Chair:** The Chair shall preside over all meetings and hearings; shall prepare, with the assistance of the Board's agent, an annual report; and shall perform other duties customary to the office. The Chair shall appoint such committees as directed by the Board, including one member of the Board who shall act as Chair of such committee. As directed by the Board, The Chair shall affix their signature in the name of the Board to all approved plans and all correspondence from the Board.
- **Vice-Chair:** 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.
- **Secretary:** The Secretary shall act as Chair in the absence of the Chair and Vice-Chair. The Secretary shall affix their signature to all plans approved by the Board on behalf of the Board.

2. The officers of the Board shall be elected annually during the month of April by a majority vote of the Board. If requested by a majority of those present, voting shall be by written ballot. The term of each officer shall be limited to one year; however, any officer shall be eligible for re-election.

E. MEETINGS

1. Regular meetings shall be held at least monthly at the Dunbarton Town Offices at 7:00 p.m. on the third Wednesday of each month and shall be open to the public with proper public notice. Meetings shall not be held on Sunday or legal holidays.

2. Special meetings may be called by the Chair or, in his/her absence, by the Vice-Chair, or at the request of three members of the Board, provided public notice and notice to each member is given at least 48 hours in advance of the time of such meeting. The notice shall specify the purpose of the meeting.

3. Nonpublic sessions shall be held only in accordance with RSA 91-A:3.

4. **Quorum:** A majority of the membership of the Board shall constitute a quorum, including alternates sitting in place of regular members. If any regular Board member is absent from a meeting or hearing or disqualifies him/herself from sitting on an application, the Chair shall designate one of the alternate members to sit in place of the absent or disqualified member. Such alternate shall have all the powers and duties of a regular member regarding any matter under consideration on which the regular member is unable

to act. The alternate should continue until the matter is completed; the regular member does not vote on that matter.

5. Disqualification: If any member finds it necessary to be disqualified from sitting on a particular case, as provided in RSA 673:14, s/he shall notify the Chair as soon as possible so that an alternate may be requested to fill the place. The disqualification shall be announced by either the Chair or the member before the discussion or the public hearing on the application begins. The member disqualified shall leave the Board table during all deliberations and the public hearing on the matter. If uncertainty arises as to whether a Board member should disqualify him/herself, on the request of that member or the request of another member of the Board, the Board shall vote on the question of whether that member should be disqualified. Such request and vote shall be made prior to or at the commencement of any required public hearing. A vote on a question of disqualification shall be advisory and non-binding, and may not be requested by persons other than board members.

6. Order of Business shall be as follows:

- a. Call to order by Chair
- b. Roll call
- c. Minutes of previous meeting
- d. Reading of communications directed to the Board
- e. Report of officers and committees
- f. Hearings
- g. Other business

7. A motion, duly seconded, shall be carried by an affirmative vote of a majority of the members present. Motion and names of members moving motion shall be recorded in the minutes. Voting may be by roll call.

8. Cancellation of a meeting: The Secretary/Planning Office Administrator shall give each member of the Board 48 hours prior notice of the cancellation of such meeting and shall post a notice in a public place and on the Town website 24 hours prior to the time of the scheduled meeting. In the event of weather-related cancellation, notification to the Board and the public will be done as soon as the Chair has determined to cancel the meeting.

9. Work sessions of the Board will primarily focus on committee work and general planning and will be open to the public. A work session agenda may include continued hearings and/or other business from regular meetings.

10. An annual meeting shall be held at the first regular meeting or work session following the close of Town Meeting. The purpose of the annual meeting will be for election of officers and to review the by-laws and procedures which shall be made a part of the minutes of the meeting.

F. PRELIMINARY REVIEW

Preliminary Conceptual Consultation Phase

1. Per RSA 676:4, II (a), prior to submission of an application for Board approval, the applicant may discuss the proposal with the Planning Office Administrator. The applicant may ask to be placed on the agenda to consult with the Board at a regular scheduled meeting by notifying the

Administrator at least 20 days prior to the meeting date. The Board may make suggestions which might be of assistance in resolving concerns and with meeting requirements during the formal consideration. This discussion must be limited to proposed intent and location and not go beyond a general description of the basic concept.

2. No comments during the consultation shall bind either the applicant or the Board. Statements made by the Board during consultation shall not be the basis for disqualifying said members or invalidating any action eventually taken on the application.
3. The time limits for Board actions under RSA 676:4, I, (c) shall not apply to Preliminary Conceptual Consultation.

Design Review Phase

1. Applications for a Design Review Phase (676:4, II (b)) meeting with the Board shall be made on forms provided by the Board and shall be presented to the Board's agent who shall sign and record the date of receipt.
2. Notice shall be given as required in RSA 676:4, I(d) 10 days before such application is presented to the Board.
3. The plan shall include at a minimum the following items:
 - a. A site location map placing the parcel in the larger context of the community;
 - b. A site survey showing pertinent features of the site;
 - c. An indication of any future subdivisions contemplated in or adjacent to the proposal;
 - d. A topographic map of the area;
 - e. Any soils information, such as permeability or boring data, that has been gathered; and
 - f. A sketch showing the proposed layout of lots, streets, and recreation areas; watercourses; natural features and easements.
4. The board shall determine the conclusion of the Design Review Phase process and inform the applicant within 10 days of such determination.
5. The time limits for Board actions under RSA 676:4, I, (c) shall not apply to Design Review Phase.

G. APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW

1. Applications for hearings before the Board shall be made on forms provided by the Board and shall be presented to the agent of the Board who shall sign and record the date of receipt.
3. All applications and plans to be considered for acceptance by the Board shall first be pre-screened by the Board's agent for conformance to acceptance standards, including all ordinances and correctness of form and technical details. The agent may make administrative changes and corrections only prior to the scheduled meeting. Any technical changes must be made after the first hearing. No new or revised plans shall be submitted to the Board, after the submission deadline has passed, before the first scheduled meeting.
4. Notice shall be given as required in RSA 676:4, I(d) 10 days before a completed application is

presented to the Board.

5. Completed applications shall be accepted by majority vote of the Board and shall be scheduled for consideration within 30 days of acceptance.

6. The board shall reject all applications not properly completed.

H. FORMS

All forms prescribed herein and revisions thereof shall be adopted by resolution of the Board and shall become part of these rules of procedure.

I. NOTICE

1. Public notice of the submission of, and public hearings on, each application shall be given by posting at the Town Offices and the Town website not less than 10 days, excluding Sunday and holidays, prior to the date fixed for submission and consideration of the application.

2. Personal notice shall be made by certified mail to the applicant, all abutters, and any professional whose seal appears on any plat not less than 10 days prior to the date fixed for submission of the application to the Board. The 10 calendar days shall not include the day of posting or the day of the meeting.

2. The full text of an application for any hearing need not be included in the notice provided an adequate summary is included and a location is specified where the proposal may be viewed by the public.

J. DISTRIBUTION OF MATERIALS

1. Application materials will be distributed to board members one week prior to meeting, asking for feedback. Packet to include: agenda, minutes, all application materials and status report.

2. Status memorandum will be sent to the applicant's agent and the agenda will be sent to the ZBA chairman, Road Agent, and Fire Chief at this time.

K. PUBLIC HEARINGS

The conduct of public hearings shall be governed by the following rules:

1. The Chair shall call the hearing in session, identify the applicant or agent, and ask for the Board agent's report on the proposal.

2. The Board's agent shall read the application and report on the manner in which public and personal notice was given.

3. Members of the Board may ask questions at any point during the presentation.

4. Any party to the matter who desires to ask a question of another party must go through the Chair.

5. Any applicant, any abutter 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 Board at each hearing.
6. Each person who speaks shall be required to state his/her name and address and indicate whether s/he is a party to the matter or an agent or counsel to a party to the matter.
7. The applicant or agent shall be called to present the proposal.
8. Following the proposal, the Chairman will allow public comment in person or in writing.
9. Other parties, such as representatives of town departments and other town boards and commissions who have an interest in the proposal, shall be allowed to present their comments in person or in writing.
10. The Chair shall indicate whether the hearing is closed or adjourned pending the submission of additional material or information or the correction of noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.
11. Voting: A motion, duly seconded, shall be passed by the majority of members present voting in the affirmative. After all discussion of the motion by Board members has been completed, the Chair will call for a vote on the motion. If the vote is not unanimous, the minutes of the meeting shall indicate members by name who vote in favor, opposed, or abstained.
12. Absent applicant: If no applicant or duly authorized agent is present at a hearing when the Chair announces the agenda item considered, a member of the Board may make a motion to table the application to the next regular meeting. If there is a second occurrence of non-representation at any time during the course of the same application, then a member may make a motion to deny the application. The motion to deny will include the Board's reason as a lack of representation.
13. Any Board member may make a motion for the Board to conduct a site walk in order to verify information provided by the applicant, abutters, or other interested parties. The time and date of the site walk will be decided during the discussion of the motion before voting. Site walks will be considered a continued hearing. Whenever a quorum of the Board exists for a site walk, the Chair will provide a brief summary of events and observations for inclusion in the minutes of the next regular meeting or work session.
14. Public hearings shall also be held for the following:
 - a. Master Plan, RSA 674:2
 - b. Subdivision Regulations, RSA 674:35-37 & 676:4
 - c. Site Plan Regulations, RSA 674:43-44
 - d. Zoning Ordinance, RSA 674:16

L. DECISIONS

1. 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. The Board shall act to approve, conditionally approve, or disapprove.

3. Notice of decision will be made available for public inspection at the Dunbarton Planning Office, 1011 School Street, within five business days after the decision is made, as required in RSA 676:3. If the application is disapproved, the Board shall provide the applicant with written reason for this disapproval.

M. RECONSIDERATION

The Planning Board may reconsider any decision to approve or disapprove an application, for good cause, provided it is within the statutory appeal period. This may be done through a motion that specifies the reasons for reconsideration. Upon successful passage of the motion, the board shall schedule a public hearing, with notice as provided in 676:4, I(d), where they shall consider whether to revise or alter their original decision. Should the board reach a new decision, a new appeal period shall be considered to have begun pursuant to RSA 677:15, et seq.

N. RECORDS

1. The records of the Board shall be kept by the Board's agent and shall be made available for public inspection at the office of the Board as required by RSA 91-A:4.

2. Minutes of the meetings, including the names of Board members, persons appearing before the Board and a brief description of the subject matter, shall be open to public inspection within five business days after the meeting as required in RSA 91-A:2, II.

3. If a website is maintained, RSA 91-A:2, II-b requires that approved minutes must also be posted on the website in a consistent and reasonably accessible location, or a notice must be posted and maintained on the website stating where minutes may be reviewed, and copies requested.

O. JOINT MEETINGS AND HEARINGS

1. The Planning Board may hold joint meetings and hearings with other "land use boards" including the Zoning Board of Adjustment and the Building Inspector. Each board shall have discretion whether to hold such joint meeting or hearing (RSA 676:2).

2. Joint business meetings with another local land use board may be held at any time when called jointly by the chairs of the two boards.

3. A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibilities of the boards convened.

4. The Planning Board Chair shall chair all joint meetings and public hearings when the subject matter involves the Planning Board.

5. The rules of procedure for joint meetings and hearings, the subject matter of which involves the Planning Board, shall be the same as these rules of procedure except that the order of business shall be as follows:

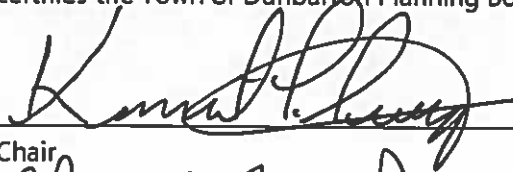
- a. Call to order by Chair;
- b. Introduction of members of both boards by Chair;
- c. Explanation of reason for joint meeting/hearing by Chair;
- d. In the case of a public hearing relative to a requested permit or an application for a plat approval, or both, the applicant shall be called to present his/her proposal;
- e. Adjournment.

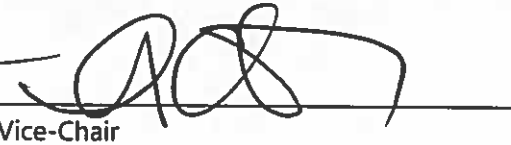
6. Each board involved in a joint public hearing makes its own decision, based on its criteria for the particular matter.

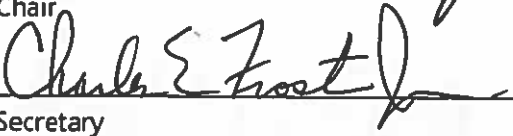
P. AMENDMENT

The Board's rules of procedure may be amended by a majority vote of its members. The Board shall hold a public hearing prior to adoption of new rules or amendment of existing rules. Notice for the time and place of the hearing shall be as provided in RSA 675:7. The amended procedures shall be filed with the municipal clerk.

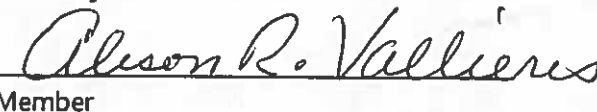
In accordance with New Hampshire RSA 676:1, Method of Adopting Rules of Procedure, the Dunbarton Planning Board, having held a duly noticed public hearing on January 29, 2020, hereby adopts and certifies the Town of Dunbarton Planning Board Rules of Procedure.

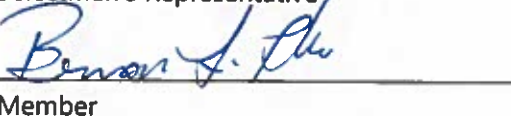

Chair

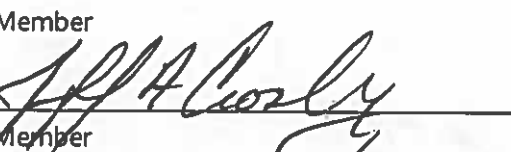

Vice-Chair


Secretary


Selectmen's Representative


Member


Member

Member

Member

Member

This document was received and recorded by the Town Clerk on February 20, 2020 and recorded as Volume 9, Page 27.

Signed: 
Dunbarton Town Clerk

Seal:

