

**TOWN OF DUBLIN, NEW HAMPSHIRE**  
**PLANNING BOARD RULES OF PROCEDURE**

**Adopted August 21, 2014**  
**Amended April 5, 2018**  
**Amended January 7, 2021**

**AUTHORITY**

1. These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 676:1. They are presented herein as an aid for better understanding the responsibilities of the Planning Board.

**INTRODUCTION**

1. The Rules listed here are, for the most part, supplemental to the New Hampshire RSAs. Some of the Rules cite New Hampshire statutes directly (see RSAs 676, 675, 673, 93, 91, 42, et al.)
2. The Dublin Planning Board was created by vote of a Special Town Meeting on September 22, 1959.

**MEMBERS AND ALTERNATES**

1. The Planning Board shall consist of six elected members and one ex-officio member and no more than five alternates (RSA 673:6).
2. Selection, qualification, term, removal of members, and filling of vacancies shall conform to RSA 673.
3. Alternate members may serve on the Planning Board as authorized by RSA 673:6 and participate as non-voting members.
4. No more than five alternate members shall be appointed by the Planning Board. Alternate members 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. The Board of Selectmen is responsible for appointing an alternate for the Selectmen's ex officio member of the Planning Board. This alternate is in addition to the alternates the Planning Board appoints. (RSA 673:6 III)
5. 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.

6. Any member unable to attend a meeting shall notify the chairman as soon as possible so that an alternate can be seated.

## **OFFICERS**

1. The officers of the Board shall be as follows:
  - Chairman (RSA 673:8): The Chairman may not be the ex officio member (RSA 673:9 II). The Chairman shall preside over all meetings and hearings; shall prepare, with the assistance of the Secretary, an annual report; and shall perform other duties customary to the office.
  - Vice-Chairman: The Vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters that come before the Board in the absence of the Chairman.
  - Secretary: The Secretary shall keep a full and accurate record of the proceedings of each meeting; issue notices of all meetings; assemble and distribute agendas before meetings, record the names of the members present; notify applicants and abutters of hearings; and prepare such correspondence and fulfill such duties as the Chairman may specify. In the absence of the Secretary, the Chairman shall appoint a secretary pro tem to keep records of the meeting.
2. The Chairman and Vice-Chairman of the Board shall be elected annually (RSA 673:9 I) at the first Planning Board meeting following Town Meeting, by a majority vote of the Board. The secretary is appointed by the board as provided in RSA 673:16 "Each local land use board may appoint such employees as it deems necessary for its work who shall be subject to the same employment rules as other corresponding civil employees of the municipality."

## **MEETINGS**

1. Regular meetings shall be held on the first and third Thursday of each month at 7:00 pm in the meeting room on the main floor of the Dublin Town Hall. The Chairman may cancel one of the meetings if there is insufficient pending business to warrant holding the meeting. (Per RSA 673:10 II the Planning Board is required to meet at least once monthly.)
2. Special meetings may be called by the Chairman or, in his/her absence, by the Vice-Chairman, or at the request of a majority of the Board, provided public notice and notice to each member is given at least 48 hours, not including weekends and holidays, in advance of the time of such meeting. The notice shall specify the purpose of the meeting. (RSA 91-A:2 II, which requires only 24 hours notice.)
3. If any regular Board member is absent from a meeting or hearing, or disqualifies him/herself from sitting on a particular application, the Chairman shall designate one of the alternate members to sit in place of the absent or disqualified member, except for the ex-officio member who is replaced by a Selectmen-appointed alternate. (RSA 673:11, 673:14 III) Such

alternate shall have all the powers and duties of a regular member in regards to 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. Conflicts: If any member has a perceived or actual conflict, s/he should announce this, even for non-judicial matters. Some conflicts for judicial matters may necessitate disqualification (see next rule).
6. 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 Chairman as soon as possible so that an alternate may be seated to fill the place. The disqualification shall be announced by either the Chairman 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.
7. In general, the following items of business form the framework for regular meetings of the Planning Board:
  - a) Call to order by Chairman
  - b) Roll call by the Secretary
  - c) Approval of minutes of previous meeting
  - d) Reading of communications directed to the Board
  - e) Report of officers and committees
  - f) Unfinished business
  - g) Hearings on subdivision/site plans
  - h) Other business - public comment

Modifications to this framework may be made to accommodate changed or exigent circumstances.

8. Voting for significant items of business (zoning amendments, regulation changes, public hearing matters, application reviews, etc.) shall be by roll call which shall be recorded in the minutes. The Chair may call for a roll call vote on other matters as needed.
9. Regular or special meetings of the Board may be recessed to a time and place certain as a continuation of said meeting without further notice.
10. It shall be the Board's goal to commence any item of new business which includes a public hearing before 9:00 pm. The Board may continue to conclusion the public hearing of any item of business which commenced prior to that hour. The Secretary shall schedule hearings to meet this goal; however, it is recognized that exigent circumstances may infrequently necessitate scheduling a public hearing later than 9:00 pm.

## **PROCEDURES FOR APPLICATIONS**

### **APPLICATIONS FOR SUBDIVISION AND SITE PLAN REVIEW**

Applications for hearings before the Board shall be made on forms provided by the Board. These applications shall be received at Town Hall and the Secretary of the Board, or other authorized town official, shall sign and record the date of receipt.

## **1. PRELIMINARY CONSULTATION**

Applicants are encouraged to present a preliminary review or conceptual consultation with the board before hiring professionals to plan the project. At this time the applicant can ask for a review of the checklist to determine what items may not be necessary and which the board would consider waiving. The applicant may choose to be represented by another person by providing a signed statement authorizing such person to speak and act on the applicant's behalf.

(Note: NH case law has established that we do not have the authority to waive any requirements of our regs until after we take jurisdiction or an application, which happens after we find the application complete.)

## **2. PRELIMINARY REVIEW FOR DESIGN PHASE**

- a. Applications for a Design Review Phase (676:4, II (b)) meeting with the Board shall be made on forms provided by the Board. These applications shall be received at Town Hall and the Secretary of the Board, or other authorized town official, shall sign and record the date of receipt.
- b. The board shall determine the conclusion of the Design Review Phase process and inform the applicant in writing.

## **3. FORMAL APPLICATION SUBMISSION**

All applications shall be filed with the Board or delivered to the Dublin Town Hall at least 14 days prior to the meeting at which they will be accepted by the Board, using the forms provided. The Secretary shall note the date on which an application is received. Whenever possible, the applicant shall also provide the Secretary digital copies of the application and associated plans and documents.

## **4. 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. The most recent revision of the following forms shall be used:

- Driveway Application
- Driveway Checklist
- Fee Schedule
- Gravel Excavation Application
- Lot Line Adjustment Application
- Routing Slip
- Scenic Roads Hearing Application
- Sign Permit Application
- Site Plan Review Application

Site Plan Review Checklist  
Subdivision Application  
Subdivision Checklist  
Subdivision Fees  
Telecommunication Conditional Use Permit Application  
Voluntary Merger Notice

These forms, along with other pertinent information, are available in Town Hall and on the Town of Dublin web site. The application must also contain an abutter list containing the names and mailing addresses of all property owners that share a property line or corner with the property or across a road or stream from the property. It must also include the names and addresses of all holders of conservation, preservation, or agricultural preservation restrictions as defined in RSA 477:45, and the name and business address of every engineer, architect, land surveyor or soil scientist whose professional seal appears on any plat submitted to the board. The applicant is responsible for ensuring the list is complete and correct.

#### **5. DETERMINATION OF APPLICATION COMPLETENESS**

The board will set the time for the board to determine, at a public meeting, the completeness of the application. Said meeting shall be within 30 days of the receipt of the application and may be, but need not be, on the same date as the public hearing to consider the merits of the application. An application is considered complete when sufficient information is included or submitted to allow the board to proceed with consideration and to make an informed decision, and all information requested on the relevant forms and checklists are either provided or waived by the board. The board may also set the time for a site walk if they determine it is necessary to best understand the application

#### **6. SITE WALKS**

- a. A "site walk" is a visit by the Board, or a member of the Board, to a location which is the subject of an application before the Board, and where the visit is in the company of the owner, applicant, their agents or employees and involves going onto the property or visiting areas which are not customarily available for public inspection. (This does not include a view of a site from adjoining public highways or other observations that can be made without entering the property.)
- b. When necessary for the adequate consideration of an application, the Board shall request that the applicant allow the Board to access the property for a site walk. If permission is refused, the Board may deny the application if the failure of the applicant to allow the board on the property means that the Board cannot get sufficient information to make an informed decision on the application.
- c. When a site walk is scheduled for the full Board it shall be posted as a meeting of the Board in accordance with RSA 91-A, and members of the public may attend. Minutes of site walks shall be kept only if there is a quorum of the Board conducting the site walk.

#### **7. PUBLIC HEARING**

A public hearing on the merits of an application shall be held not more than sixty days

following a finding of completeness, and only after notice in accordance with NH statutes.

## **8. 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 Dublin Town Hall within 5 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.

## **9. RECONSIDERATION**

1. The Planning Board may reconsider any decision to approve or disapprove an application, for good cause, provided it is within the statutory appeal period as per statutory procedures.

## **10. ACTIVE AND SUBSTANTIAL DEVELOPMENT**

The Planning Board approval of a proposed plan shall not lapse provided clear evidence that the project has been commenced and the developer can demonstrate active and substantial development within two years of the approval. Land clearing, internal roads, excavations, and partly built structures are all indicators of active and substantial development.

## **11. NOTICE**

1. Public notice of the submission of and public hearings on each application, zoning ordinance, regulation change, or other statutorily required procedure shall be given in the Peterborough Ledger-Transcript and by posting at both the Dublin Town Hall and the Dublin Post Office not less than ten (10) days prior to the date fixed for submission and consideration of the application, as per RSA 675:7.

## **CONDUCT OF PUBLIC HEARINGS**

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

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

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, and those appearing in favor of the proposal shall be allowed to speak.
8. Those in opposition to the proposal shall be allowed to speak.
9. Those neither in favor nor in opposition may speak.
10. 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.
11. The Chairman 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.

## **RECORDS**

1. The records of the Board shall be kept by the Secretary and shall be made available for public inspection at the Dublin Town Hall as required by RSA 91.

## **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, the Conservation Commission, and the Building Inspector. Each board shall have discretion whether or not 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 chairmen 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 Chairman 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 Chairman;
  - b) Introduction of members of both boards by Chairman;
  - c) Explanation of reason for joint meeting/hearing by Chairman;
  - 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.

### **ZONING AMENDMENTS AND REGULATION CHANGES (RSA 675)**

1. When considering zoning amendments or regulation changes proposed by the Board, the Board shall present the change and the public will be invited to comment. When considering zoning amendments proposed by citizen petition, the petitioner shall be recognized to present the change followed by questions from Board members and then public comment.
2. In voting on proposed zoning amendments or regulation changes the Board shall consider each separate item and vote on approval or disapproval of each separate proposal.
3. A zoning amendment or regulation change proposed by the Planning Board shall be submitted to the voters for adoption only if approved by majority vote of the Board.
4. In voting on citizen zoning amendment proposals, the Board shall vote to approve or to disapprove said proposal.

### **STANDARDS OF CONDUCT**

1. The primary obligation of Planning Board members is to serve the public interest. Each member of the Board shall conduct himself/herself in such a manner as to maintain public confidence in the Planning Board and the conduct of its business.
2. Board members shall not directly or indirectly solicit any gift or accept or receive any gift under any circumstances in which it could be reasonably inferred that the gift was intended to influence them in the performance of their duties, or was intended as a reward for any recommendation or decision on their part. (RSA 640)
3. A Board member must not disclose or improperly use confidential information obtained in the course of his/her duties for financial gain or to further a personal interest.
4. All discussions between Planning Board members and applicants or their agents regarding matters to be decided by the Board shall take place at public hearings as part of the public record.
5. Board members should not say or imply that they are representing the Board, or acting on its behalf, unless they have been authorized by the Board to do so in a particular matter.

### **AMENDMENT**

1. 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 posted at both the Dublin Town Hall and the Dublin Post Office not less than ten (10) days prior to the date fixed for consideration of the amended procedures. The amended procedures shall be filed by the Secretary with the Dublin Town Clerk.