

## Zoning Board of Adjustment Meeting Procedure

4/4/2023

1. 6:00 pm; Call the meeting to order – **Announce date**
2. Please rise for the Pledge of Allegiance
3. Introduce members of the Board  
Lee Sawyer, Marc Tieger, Walter Batchelder, Erlene Brayall, Carl Jevne  
Alternate members: Phil Cournoyer, Judy Lucero and David Jeffries  
  
Recording Secretary Becky Newton.  
Identify the voting members. (Any alternates to be delegated?)
4. We use the guidelines in the **November 2022** handbook for local officials titled “The Board of Adjustment in New Hampshire” in conjunction with the terms and rules of the ordinances to help us perform our duties.
5. **If there is not a full board**, even with alternates serving, the chairman can give the applicant the option of postponing the hearing until all members are present. Three votes, in the affirmative, are necessary to approve an applicant’s proposal. If the applicant chooses to proceed with the hearing, the applicant should be advised that a hearing before a 3 or 4 member board would not be grounds for a rehearing in the event the application is denied.
6. Notice of hearing for case numbers ZBA ----- through ZBA ----- (refer to agenda for case numbers) have been:
  - a) advertised in a newspaper of general, local circulation;
  - b) a copy has been posted in the Town Office Building, the Library and on the town web site;
  - c) copies have been sent to the Planning Board, the Wetlands Conservation Committee, and the Board of Selectmen; and
  - d) notice of hearing has been sent by certified mail to all abutters whose names have been provided by the applicant.
  - e) Read the names of the abutters.
  - f) Is there anyone present who claims to be an abutter who was not notified?
  - g) You can waive your right of notice and allow the hearing to proceed. If they object, the hearing must be rescheduled.

### **ADDRESS REGIONAL IMPACT FOR EACH APPLICATION**

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7. The order of speaking during this meeting will be:
  - a) the applicant presents the request to the Board (all questions from the audience will be held until after the presentation has been completed);
  - b) abutters in favor of granting the request may speak;
  - c) abutters opposed to granting the request may speak;
  - d) anyone else in attendance who is in favor of granting the request may speak; and
  - e) anyone else in attendance who is opposed to granting the request may speak.
8. All questions will be addressed to the Chair; there will be no cross-questioning between members of the audience. Members of the Board may ask questions at any time.
9. All people wishing to speak should identify themselves, stating their names and their involvement (i.e.: abutter, neighbor, interested citizen, or agent for someone else).

It is the Board's policy to inspect the site of each request. The Board will discuss their availability. The time will be announced at the conclusion of each applicant's presentation. Site inspection may be waived at the discretion of the Board.

**INSTRUCTIONS for the BOARD**

1. When the Chair is confident that everyone has had his or her say, s/he shall terminate the hearing by stating "This hearing is closed."
2. If, however, the Chair is not satisfied that all the information necessary to make a correct decision has been received s/he shall, with the assent of the board, continue the public hearing to a time, date and place certain and no further notice shall be required.
3. Deliberation: After the close of the public hearing, the board shall discuss the testimony and materials presented with regard to the application. This process may be continued to a subsequent public hearing if necessary, subject to the limitation of 90 days allowed for final action on the application specified in RSA 674:33, VIII. When the board is in the deliberation mode it will not entertain comments from the audience or the applicant.
4. Findings of Fact: RSA 676:3,I. The board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15.

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5. Voting: When the deliberation is concluded, the Chairman shall entertain a motion from the board or introduce a motion on whether the application shall be approved, approved with conditions, modified or denied. After receiving a second, the motion shall be voted on by the board.

### **TIMEFRAMES for ELECTION OF OFFICERS, DECISIONS, APPEALS and REHEARINGS**

1. Election of Officers: RSA 673:8 & 673:9. The ZBA shall elect the chairperson from the appointed members and may create other offices as it deems necessary. The term of every officer and chairperson shall be one year. Both the chairperson and other officers shall be eligible for re-election. Elections shall be held on the first meeting in April.
2. Decisions: RSA 676:3. The board shall promptly issue its decision. If the decision is a denial, the board shall provide the applicant with reasons for denial. The written decision shall be placed on file with the Zoning Board's office (Zoning Board Clerk) within 5 business days of the vote.
3. Rehearings: RSA 677:2. Within 30 days after any order or decision of the ZBA, or any decision of the local legislative body (town meeting) or a board of appeals in regard to its zoning, a rehearing request may be made by the selectmen, any party to the action or proceedings, or any person directly affected.
4. Appeals: RSA 676:5 Appeals to an administrative decision shall be taken within thirty (30) days of said decision. RSA 676:5 II (a) Administrative Officer means any official or board who has the responsibility for issuing permits or certificates under the ordinance, or for enforcing the ordinance, and may include a building inspector, board of selectmen, or other official or board with such responsibility.