

Town of Center Harbor, NH Board of Adjustment By-Laws

TOWN OF CENTER HARBOR, N.H.

BOARD OF ADJUSTMENT

BY-LAWS

I. AUTHORITY

1. These By-Laws are adopted under the Authority of New Hampshire Revised Statutes Annotated, 1983, Chapter 673:1IV- 677, and the Zoning Ordinance of the Town of Center Harbor, NH, as amended.

II. OFFICERS

1. A Chairperson shall be elected annually at the first meeting on or after April first by a majority vote of the Board. The Chairperson shall serve for one year and shall be eligible for re-election. The Chairperson shall preside over meetings and hearings and shall appoint such committees as directed by the Board.

2. A Vice-Chairperson shall be elected annually at the first meeting on or after April first by a majority vote of the Board. The Vice-Chairperson shall preside in the absence of or when delegated by the Chairperson and shall have the full powers of the Chairperson on matters which come before the Board during the absence of the Chairperson.

3. A Clerk shall be appointed by the Chairperson. The Clerk shall maintain a record of all meetings, transactions, and findings of the Board, and perform such other duties as the Board may direct by resolution. The Clerk shall not be a member of the Board.

III. MEETINGS

1. Meetings may be held on call of the Chairperson provided notice of the time and place is given to each member in accordance with the requirements of New Hampshire statutes.

2. Quorum. A quorum for regular business shall consist of three members. A quorum for continuing a hearing to a later date shall consist of three members. A quorum for hearing and deciding an appeal shall consist of five members, unless the applicant consents on the record to proceed with three or four voting members. If a member disqualifies himself or otherwise cannot sit on a particular case he shall so notify the Chairperson who shall appoint an alternate to sit who shall have all the powers and duties of the regular member in regard to the appeal.

3. The five regular members will vote on any appeal for which they are seated. Regular members who are absent or unable to sit shall be replaced by alternate members in order of seniority i.e., appointment to the Board.. In the case of subsequent proceedings on the same matter before the Board, if at all possible, the members and alternates who were seated on the original proceeding should be the voting members at the subsequent proceeding.

4. Chairperson. The Chairperson shall preside over all meetings. In the absence of the Chairperson, or when delegated by the Chairperson, the Vice- Chairperson shall preside.

Town of Center Harbor, NH Board of Adjustment By-Laws

5. Order of Business. The order of business for meetings shall include but not be limited to the following:

- a. Introduction of Members and explanation of procedures;
- b. Hearing of appeals;
- c. Deliberative session;
- d. Minutes of previous meetings;
- e. Other business as may properly come before the Board;
- f. Non-public session as provided under RSA Chapter 91-A.

6. Public Hearings. The conduct of public hearings on applications shall be governed by the following rules:

- a. The Chairperson shall call the hearing to order;
- b. The Clerk shall read the application and describe the manner in which public notice and personal notice were given;
- c. The applicant, or the applicant's representative designated in writing by the applicant, shall present the appeal;
- d. Those appearing in favor of the appeal shall be allowed to speak;
- e. Those in opposition to the appeal shall be allowed to speak;
- f. The applicant and those in favor shall be allowed to speak in rebuttal;
- g. Those in opposition to the appeal shall be allowed to speak in rebuttal;
- h. The Chairperson shall have the discretion, but not the obligation to allow further rebuttal by any party;
- i. The Chairperson shall determine that all parties have had adequate opportunity to speak to the appeal;
- j. The hearing on the appeal shall be declared closed and no further testimony or evidence shall be admitted;
- k. The Chairperson may reopen the hearing at any time prior to vote for clarification of facts, and in that case shall allow all parties to speak in clarification of the facts;

General Rules

l. Members of the Board, when recognized by the chairperson, may ask questions at any point during testimony;

m. Any member of the Board, through the Chairperson, may request any party or witness to the case to reappear;

n. Each person who appears shall be required to state his name and address and indicate whether he is a party to the case or an agent or counsel

Town of Center Harbor, NH Board of Adjustment By-Laws

of a party to the case;

o. Any party to the case who desires to ask a question of another party to the case must do so through the Chairperson;

p. Any person who desires the board to compel the attendance of a witness shall present his request in writing to the Chairperson not later than three (3) business days prior to the public hearing.

q. All documentary submissions, including photographs, shall be submitted in six (6) copies. The Chairperson shall have the discretion to waive this requirement for due cause shown. All documentary evidence presented shall be retained in the permanent record of the matter.

IV. APPEALS

1. Applications for an appeal shall be made on forms provided by the Board and shall be presented to the Clerk of the Board of Adjustment who shall record the date of receipt over his or her signature.

At each meeting the Clerk shall present to the Board all applications received up to three business days prior to the beginning of the meeting.

2. An appeal to the Board on any administrative decision or requirement shall be taken within 30 days of the date of such decision or requirement, and not thereafter.

3. The Board may reject without hearing any petition not properly completed with all fees paid.

4. The public hearing shall be held within 30 days of the receipt of the application for appeal.

5. As provided by RSA 676:3, the ZBA shall issue a final written decision which approves or disapproves the application. All decisions shall be filed in the office of the ZBA or Town Clerk as required by law. Notification of the decision shall be made on a form provided by the Board and shall be sent to the applicant, and the Town Clerk, and filed in the records of the Board. The Board may, after voting on an application, continue the matter until the next meeting in order to prepare and review the written decision. The vote shall not be final and effective until the written decision is approved by the Board.

V. FORMS

1. All forms and revisions thereof shall be adopted by resolution of the Board at a regular meeting and shall become a part of these By-Laws.

VI. PUBLIC NOTICE

1. Public notice of public hearings on each appeal shall be given in the *Meredith News*. In lieu of the *Meredith News* a newspaper of general circulation in the area shall be used. The public notice shall be posted at the Town Hall in accordance with New Hampshire statute. Such notice shall include the name of the applicant, description of property, action desired by the applicant, provision of the zoning or other ordinance concerned, the type of appeal being made, and the time and place of the hearing.

Town of Center Harbor, NH Board of Adjustment By-Laws

2. Personal notice shall be given by certified mail, return receipt requested, to abutting owners of record as defined by New Hampshire statute in accordance with the pertinent New Hampshire statute. Notice shall also be given to the Planning Board, the Town Clerk, and any other parties deemed by the Chairperson to have special interest. Said notice shall contain the same information as the public notice and shall be made on forms provided for this purpose.

3. The cost of notice, whether mailed, posted, or published shall be paid in advance by the applicant. The cost shall be determined by the average cost of advertising plus the certified mail postage cost. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to deny the appeal without public hearing.

VII. AMENDMENT

1. These By-Laws may be amended by majority vote of the Board provided that a quorum of five (5) members and alternates are present.

Approved November 19, 2012 by the Center Harbor Zoning Board of Adjustment