

## **HENNIKER ZONING BOARD OF ADJUSTMENT RULES OF PROCEDURE**

### AUTHORITY

1. These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated 676:1, and the Zoning Ordinance and Zoning map of the Town of Henniker.

### OFFICERS

1. A Chairman or Co-Chairs shall be elected annually by a majority vote of the Board in the month of April. The Chairman or Co-Chair shall preside over all meetings and hearings, appoint such committees as directed by the board and shall affix his/her signature in the name of the Board.
2. At the option of the Board, a Vice-Chair shall be elected annually by majority vote in the month of April. The Vice-Chair shall preside in the absence of the Chair or Co-Chairs and shall have the full powers of the Chair on matters which come before the Board during the absence of the Chair.
3. The Town offices shall maintain a record of all meetings, transactions and decisions of the Board and perform such other duties as the Board may direct by resolution.
4. All officers shall serve for one year and shall be eligible for re-election.

### MEETINGS

1. Regular meetings shall be held at the Henniker Town Hall, at 7:00 p.m. on the third Wednesday of each month. Other meetings may be held on call of the Chairman, provided public notice and notice to each member is given at least 78 hours (excluding Sundays and legal holidays) prior to such meetings.
2. A quorum for all meetings of the Board shall be three members, including alternates sitting in place of members. The Board will make every reasonable effort to ensure that a full five-member board is present for the consideration of any appeal.

3. If any regular Board member is absent from any meeting or hearing, or disqualifies himself or herself from sitting on a particular case, the Chair shall designate one of the alternate members to sit in place of the absent or disqualified member, and such alternate shall be in all respects a full member of the Board while so sitting.
4. If any member finds it necessary to disqualify themselves from sitting in a particular case, as provided by RSA 673:14, he or she shall notify the Chairman as soon as possible so that an alternate may be requested to sit in his or her place. The disqualification shall be announced by either the Chair or the member disqualifying himself or herself, before the beginning of the public hearing on the case. The disqualified member shall be absent from the Board table during the public hearing and during all deliberation on the case.
5. In instances of an incomplete Board, due to absences and/or disqualification of a Board member, alternate board members will be drawn from a rotating alphabetized list kept by the Chair, until a full Board is assembled.
6. The order of business for regular meeting shall be as follows:
  - a) Introduction of board and explanation of procedures.
  - b) Public hearing.
  - c) All other business.

#### APPLICATION AND DECISION

1. Applications
  - a) Appeals from an administrative decision taken under RSA 676:5 shall be filed within 20 calendar days of the decision.
  - b) Each application for a hearing before the Board shall be made on forms provided by the Board and shall be presented to the Town Hall office staff, who shall record the date of receipt.
  - c) All forms and revisions prescribed shall be adopted by resolution of the board and shall become part of these rules of procedure.

2. Public Notice

- a) Public notice of public hearings on each application shall be given in the Concord Monitor and shall be posted at the Henniker Town Hall, Henniker Post Office and the Tucker Free Library not less than five (5) calendar days prior to the date fixed for the hearing. Notice shall include the name of the applicant, description of the property (including tax map identification), action desired by the applicant, provisions of the zoning ordinance concerned, the type of appeal being made and the date, time and place of the hearing.
- b) Personal notice shall be made by certified mailing return receipt requested to the applicant and all owners of property adjacent to or within 200 feet of the tax lot(s) which is the subject of the application, no later than 5 calendar days prior to the meeting.

3. Public Hearing

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

1. Calling the hearing to order.
2. Designate alternate(s) to sit as full member(s) in place of absent full member(s).
3. If fewer than five ZBA members are present, give the applicant the opportunity to postpone the hearing until a full board can be present.
4. Introduction of board members.
5. Review the public and personal notices (all notices must be published or sent at least 5 calendar days prior to the hearing)
  - a) determine if all abutters were notified.
  - b) determine if notices appeared in the paper.
6. Determine if application fees have been paid.
7. Describe hearing process of presentation and comments by public.
8. Presentation of application.
9. Comments by public
10. Declare the hearing closed.
11. Enter deliberations.
12. Come out of deliberations
13. Vote on application.
14. Announce decision.

4. Decisions

The Board shall approve, approve with conditions, deny, or defer its decision on each application within 14 calendar days of the initial presentation. Notice of the Board's decision or deferral shall be made available for public inspection 72 hours thereafter, as required by RSA 676:3. Notice of the board's decision shall be sent to the applicant. If the appeal is denied or deferred, the notice shall include the reasons therefore.

RECORDS

1. The records of the Board shall be maintained in the Town Hall office and made available for public inspection at the office of the Henniker Selectmen.
2. Final written decisions shall be placed on file and made available for public inspection within 72 hours after the decision is made. RSA 91-A:2, II.
3. Minutes of all meetings, including names of Board members, persons appearing before the Board, and a brief description of the subject matter shall be open to public inspection within 144 hours of the public meeting. RSA 91-A:2, II.

AMENDMENTS

1. These rules of procedure may be amended by a quorum of the Board.

JOINT MEETINGS

1. RSA 676:2 provides that the Board of Adjustment may hold joint meetings or hearings with other town "land use boards," including the Planning Board, the Historic District Commission, and that each board shall have discretion as whether or not to hold a joint meeting with any other land use board.