

Town of Stoddard
Zoning Board of Adjustment
Rules of Procedure
December 1987
Updated 2012, 2014, 2015

Authority

1. These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, 2009, Chapter 676:1, and the zoning ordinance and map of the Town of Stoddard.

Officers & Board Members

1. A Chairman shall be elected annually by a majority vote of the board in the Month of July. Members are encouraged to take their turn. He/she shall preside over all meetings and hearings, appoint such committees as directed by the board and shall affix his signature in the name of the board.
2. A Vice-Chairman shall be elected annually by a majority vote of the board in the month of July. Members are encouraged to take their turn. The vice-chairman shall preside in the absence of the chairman and shall have the full powers of the chairman on matters, which come before the board during the absence of the chairman.
3. A secretary shall be hired and remain in the position until resigning or otherwise being removed. He 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. Board will consist of 5 members who shall serve for three years and shall be eligible for re-appointment.
5. Up to five alternate members shall be appointed as provided for by the local legislative body, to serve whenever a regular member of the board is unable to fulfill his responsibilities. Alternates may sit at the table with board members and participate in discussion but leave the table for votes when not filling in for a board member.

Meetings

1. Regular meetings shall be held at the Stoddard Town Hall, at 7:30 PM on the third Thursday of the month or calendar quarter as necessary. Other meetings may be held on call of the Chairperson provided public notice and notice to each member is given at least 48 hours excluding Sundays and legal holidays prior to such meetings.
2. Quorum A quorum for all meetings of the board shall be three members, including alternates sitting in place of members. RSA 674:33, III provides that "...the concurring vote of 3 members of the board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant...." For this reason, the board will make every effort to ensure that a full five-member board is present for the consideration of any appeal.
If any regular board member is absent from any meeting or hearing or disqualifies himself from sitting on a particular case, the chairman 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 board member while so sitting.
3. Disqualification If any member finds it necessary to disqualify himself from sitting in a particular case, as provided in RSA 673:14, he shall notify the chairman as soon as possible so that an alternate may be requested to sit in his place. The disqualified member and such alternate shall be in all respects a full member of the board while sitting.
4. Order of business The order of business for regular meetings shall be as follows:
 - a) Roll call by the secretary
 - b) Communications and miscellaneous

- c) Minutes of previous meeting
- d) Old Business
- e) New business
- f) Application for a public hearing (Variance, Special Exception, Administrative Decision Appeal)
- g) Adjournment.

5. Billable contact or communication with any legal entity relating to town business shall be by the ZBA Chairperson or through the Selectmen. (added 8/21/14)

(Note: Although this is the usual order of business, the Stoddard Zoning Board of Adjustment reserves the right to change the order of a meeting and may wish to hold the hearings immediately after the roll call in order to accommodate the public).

Applications/Decisions

1. Applications

- a) Each application for a hearing before the board shall be made on forms provided by the board and shall be presented to the secretary of the Zoning Board of Adjustment who shall record the date of receipt over his signature. Appeals from an administrative decision taken under RSA 676:5 shall be filed within 30 days of the decision. At each meeting, the secretary shall present to the board all applications received.
- b) Any written materials must be provided to the ZBA at least five (5) business days prior to any hearings.
- 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 Keene Sentinel and shall be posted at the Stoddard Town Hall, Stoddard Town Clerk's Office and The Stoddard Web Site not less than five (5) business days before the date fixed for the hearing. Notice shall include the name of the applicant, description of property to include tax map identification, general description of the action desired by applicant, the type of appeal being made and the date, time and place of the hearing and site visit.
- b) Personal notice shall be made by certified mail return receipt requested, to the applicant and all abutters not less than five (5) business days before the date of the hearing, notice shall be given to the planning board, town clerk and other parties deemed by the board 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. Public Hearing. The conduct of public hearing shall be governed by the following rules:

- a) All meetings shall be called to order by the Chairperson at the time stated in the Notice posted by the Recording Secretary in the required locations.
- b) All members of the Board shall respond to a roll call, which will be entered into the minutes of each meeting.
- c) The secretary shall read the application and report on how public notice and personal notice was given
- d) Petitions submitted and posted prior to the meeting shall be resolved in order before any non-posted business shall be conducted.
- e) The applicant will present the proposal.
- f) Members of the Board may ask questions at any point during the presentation.
- g) Each person who appears shall be required to state his or her name and address and indicate whether he/she is a party to the case or agent or council of the party of the case.
- h) Any party to the matter who desires to ask a question of another party must do so through

the Chairperson.

- i) Those in favor of the application who have a direct interest shall be allowed to speak.
- j) Those in opposition of the application who have a direct interest shall be allowed to speak.
- k) All written correspondence submitted by an abutter for consideration on the application shall be read.
- l) Other boards, commissions, or department comments shall be read or heard.
- m) Questions and comments will be brief and non-repetitive.
- n) The Chairperson shall only allow comments or questions in regards to the application.
- o) The Chairperson shall maintain decorum of the meeting at all times. Any person who becomes disruptive to the procedure, either by words or actions, shall be asked to leave the proceedings by the Chairperson. If the person refuses to leave, further action may be taken.
- p) Rebuttals will be allowed.
- q) No speaker may speak in debate more than two (2) times on the same question for no longer than four (4) minutes without permission of the Chairperson and/or majority vote of the Board without debate.
- r) The Chairperson may summarize the facts in the application and the claims made from each side. Opportunity shall be given for corrections from the board or the floor.
- s) The board shall decide whether to close or continue the hearing. If additional material is needed to render a decision then a continuance would be necessary. Additional notice would not be required if the date, time and location is announced at this time.

4. Site Visits:

- a.) A site visit is defined as a visit by a quorum of the board, a board member or the board's representative to a location which is the subject of an application before the board, where the visit is in the company of the owner applicant or their agents and involves going onto the property.
- b.) When the board deems it necessary for the adequate consideration of an application, the board shall request the applicant to allow a site visit by the board.
- c.) Site visits shall be posted and conducted as a regular meeting. Minutes shall be taken if a quorum of the board is present.
- d.) If the board's designee or individual board member is the sole site visitor, this person shall report findings to the board at the next meeting in regards to the application.
- e.) The practice of an applicant directly contacting a member to invite that member to a visit a property without prior approval from the board shall be discouraged as an inappropriate course of conduct.
- f.) The board shall refrain from making decisions on an application while on a site visit. Any comments, motions or direction to an applicant should be made at the subsequent public hearing.
- g.) Pictures will be taken at the time of the site visit and will be printed to be part of the project file. (added 4/16/15)
- h.) A follow up site visit will be scheduled and pictures capturing the changes will be taken. The printed pictures will be made to be part of the projects file and inserted next to the pre-work pictures. (added4/16/15)

Decisions

The board will approve, approve with conditions, deny the appeal, or defer its decision. Notice of the decision will be made available for public inspection within five (5) business days, as required by RSA 676:3. If the appeal is denied or deferred, the notice shall include the reasons therefore.

Records

The records of the board shall be kept by the secretary and made available for public inspection at the Stoddard Town Hall in accordance with statutory requirements.

1. Final written decisions will be placed on file and available for public inspection within five (5) business days after the decision is made. RSA 676:3
2. 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 five (5) business days of the public meeting. RSA 91-A: 2 II.
3. It is acceptable to record minutes to ensure accurate minute reports. The recording shall be held until after the approved minutes are posted then the recording shall be erased.

Joint meetings and hearings

1. RSA 676:2 provides that the Zoning Board of Adjustment may hold joint meetings or hearings with other town “land use boards”, including the planning board, the historic district commission, the building code board of appeals, and the inspector of buildings, and that each board shall have discretion as to whether or not to hold a joint meeting with any other land use board.
2. Joint business meetings with any other land use board may be held at any time when called jointly by the chairman of the two boards.
3. A public hearing on any appeal to the Zoning Board of Adjustment will be held jointly with another board only under the following conditions:
 - a) The joint public hearing must be a formal public (hearing) on appeals to both boards regarding the same subject matter.
 - b) If the other board is the planning board, RSA 676:2 requires that the Planning Board chairman shall chair the joint hearing. If the other board is not the Planning Board, then the Zoning Board of Adjustment chairman shall chair the joint hearing.
 - c) The provisions covering the conduct of public hearings, set forth in these rules, together with such additional provisions as may be required by the other board, shall be followed.
 - d) The other board shall concur in these conditions.

Waiver

Any portion of the rules of procedure may be waived in such cases, in the opinion of the Board, stricter conformity would pose practical difficulty to the applicant or the Board and the waiver would not be contrary to the spirit and intent of the rules. In the event of any question of procedure, Roberts Rules will be used. (Amended 11/20/14)

Amendments

These Rules of Procedure may be amended by a majority vote of the members of the Board.

Amended: September 20, 2012, Amended: Nov. 20, 2014, Amended 4/16/2015