

BOARD OF ADJUSTMENT

BYLAWS AND RULES OF PROCEDURE

These Bylaws and Rules of Procedure are adopted pursuant to RSA 676:1.

1. **Powers and Duties:** The Board of Adjustment shall have the powers and duties authorized by the Zoning Ordinance of the Town of Hampton Falls and by the laws of the State of New Hampshire.
2. **Members:** The Board of Adjustment shall consist of five regular members, appointed by the Board of Selectmen and, up to five (5) alternate members, appointed by the Board of Selectmen.
3. **Chairperson and Vice Chairperson:** The Chairperson and Vice Chairperson of the Board of Adjustment shall be elected annually in March by a majority of the Board and shall take office immediately upon election. If a vacancy occurs in either office, such vacancy shall be filled by election as soon as is reasonably possible.
4. **Duties:** The Chairperson shall have all the powers and duties prescribed by the laws of the State of New Hampshire and he shall preside at all public hearings and meetings of the Board. The Vice Chairperson shall perform the duties and have the powers of the Chairperson in the event of the inability of the Chairperson to function in his elected capacity.
5. **Clerk:** The Clerk shall be elected annually in March by a majority of the Board and shall take office immediately upon election. If a vacancy occurs, a new clerk shall be elected. The Clerk shall not be a member or alternate member of the Board.
6. **Quorum:** Three (3) members, including alternate members in place of members, shall constitute a quorum. By State law (674:33 III), if a quorum consists of only three members, any decision must be unanimous.
7. **Meetings:** The Board shall hold meetings as necessary on the fourth Thursday of any month to hear any appeals at hand or upon call of the Chairperson unless that day is a legal holiday. If the fourth Thursday is a legal holiday, the meeting shall be held on the third Thursday. The Chairperson or three (3) members of the Board may call a meeting upon a one week notice to the other members of the Board.
8. **Appeals and Petitions for Public Hearings:** Appeals to the Board shall be taken within thirty (30) days after notification of a decision by the administrative officer as defined in RSA 676:5 II, by filing a petition for public hearing on the proper form. The petition shall be filed with the administrative officer and Clerk of the Board.
9. **Hearing on Petition:** The Board shall not act upon any petition which has not been duly filed at least fifteen (15) days before a meeting of the Board.
10. **Public Notice:** Notice of public hearing shall be published in The Hampton Union and shall be sent by Certified Mail—Return Receipt Requested to the petitioner and to abutting property owners and holders of conservation, preservation or agricultural preservation restrictions, as designated by the petition, and shall be posted at the

Hampton Falls Town Hall and the Hampton Falls Post Office not less than five (5) days prior to the hearing (RSA 676:7).

The cost of notice, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Board to terminate further consideration and to deny the appeal without public hearing (RSA 676:7 IV).

11. **Records:** The Clerk will make a record of each meeting. Minutes of meetings are filed with the Town Clerk as well as notices of public hearings with their dates of publication.
12. **Procedure for conduct of Hearing:** The following procedures shall be used in conducting public hearings prior to decision rendered by the Board.
 - a. The Chairperson shall call the roll of the Board; open the hearings; and read the petition next to be heard.
 - b. The Chairperson shall ask the petitioner or his representative to come forward and explain his petition. Any evidence (maps, drawings, photographs, etc.) should be submitted by the petitioner in support of his petition.
 - c. The Chairperson shall then allow the petitioner to be questioned by members of the Board only. The Chairperson shall then invite persons other than Board members to submit questions through the Chairperson to the petitioner during the hearing. Each person shall state his name and address before asking a question.
 - d. The Chairperson shall then ask if there are witnesses who wish to speak in favor of granting, or opposing, the petition and shall ask each witness to state his name and address.
 - e. The Chairperson may impose reasonable time limits on presentations or testimony presented to the Board.
 - f. After all testimony has been presented, the Chairperson shall declare the hearing closed.
13. **Decisions:** The Board shall decide all cases within thirty (30) days of the close of the public hearing and shall approve, approve with conditions, or deny the appeal. The minutes of the meeting at which such vote is taken along with the written decision shall be made available for public inspection within 144 hours of such vote as required by RSA 676:3, and will be sent to the applicant by certified mail. If the appeal is denied, the notice shall include the reasons therefor. The notice shall also be given to the planning board, the board of selectmen, town clerk, property tax assessor and other town officials as determined by the Board.
14. **Rehearing:** Within thirty (30) days after any order or decision of the Board, the Selectmen, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing. The Board shall either grant or deny the motion for rehearing within thirty (30) days of its filing (RSA 677:3).
15. **Amendments:** Amendments may be made to these bylaws from time to time by a majority vote of the Board at any monthly meeting following a monthly meeting at which notice of such intention has been given to the Board by a member.