

TOWN OF PITTSFIELD, N.H.
ZONING BOARD OF ADJUSTMENT
RULES OF PROCEDURE

Section 1. AUTHORITY

These Rules of Procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, Chapter 676.1, and the Zoning Ordinance of the Town of Pittsfield.

Section 2. OFFICERS

1. Chair

A Chair shall be elected annually in the month of April, or such other time as may be expedient, by a majority vote of the Board.

Said Chair shall serve for one year and shall be eligible for re-election.

The Chair shall preside over meetings and hearings and make such appointments as the Board shall direct, and shall act for the Board on all matters not requiring a vote of the members.

2. Vice-Chair

A Vice-Chair shall be elected annually in a like manner.

The Vice-Chair shall have the full powers and duties of the Chair on all matters which come before the Board during the absence of the Chair.

Section 3. ADMINISTRATIVE ASSISTANT

1. Minute Taker/Recording Secretary

The Board shall appoint a minute taker/recording secretary. The minute taker/recording secretary shall prepare minutes of all meetings within five (5) business days in accordance with RSA 91-A.

The Board shall review the minute taker/recording secretary's minutes for accuracy.

2. Administrative Assistant

The Board shall appoint an administrative assistant to help the zoning administrative officer and the Board with secretarial tasks that do not include construction, interpretation, or application of the zoning ordinance.

The administrative assistant's tasks shall include the following:

1. To give applicants forms for applications to the Board.
2. To receive applications to the Board and fees therefor.
3. To check individual-notice lists in applications.
4. To type, post, mail, and distribute notices of all meetings and hearings of the Board.
5. To type, post, mail, and distribute notices of decision in any action taken by the Board.
6. To type such correspondence on behalf of the Board as the Board may direct.

3. Assignment of Duties

The minute taker/recording secretary and administrative assistant will ordinarily be employees that the Board of Selectmen hires and that the Zoning Board of Adjustment approves under RSA 673:16.

The minute taker/recording secretary and administrative assistant may or may not be the same person.

Section 4. ADMINISTRATIVE OFFICER

In these Rules of Procedure, "Administrative Officer" means the Zoning Administrative Officer according to the Town of Pittsfield Zoning Ordinance.

Section 5. MEETINGS AND HEARINGS

1. Dates and Times

Meetings shall be held on the call of the Chair, at a location designated by the Board.

They will ordinarily be held on the first and third Thursday of each month as needed or at the call of the Chair, at 6:00 p.m., at the Town Hall.

Notice of the time and place of each meeting shall be given to the Board members and alternates, and shall be posted in two places in the Town, at least twenty-four (24) hours, excluding Sundays and legal holidays, before such meetings, as required by RSA 91-A.

2. Attendance

Any Board members, including alternates, who will be unable to attend a meeting, shall notify the Chair or Vice-Chair as soon as possible. The Board will consider replacement of any members who has been absent for three (3) consecutive meetings without notifications.

3. Public Hearings

Public Hearings on appeals to the Board of Adjustment will ordinarily be held in conjunction with the Board's regular meetings.

Notice of each public hearing shall be sent by certified mail to the applicant and every abutter, shall be posted, and shall be published in a newspaper of general circulation in the area not less than five (5) days before the date fixed for the hearing of the appeal.

Notice shall also be given to the Board of Selectmen and Planning Board, and to others whom the Board feels may have an interest in the case.

A public hearing shall be held within forty-five (45) days of receipt of the Notice of Appeal.

4. Board Records

All meetings and records of the board shall be open to the public in accordance with RSA 91-A.

5. Work Sessions

The Board may hold work sessions as needed; they will ordinarily be held on the third Thursday of each month at 6:00 p.m. at the Town Hall.

6. Site Visits

Prior to each public hearing, Board members shall endeavor to view each property which will be the subject of an appeal at the Board's meeting. Every effort will be made to have

at least two Board members view the site prior to rendering a decision, but the failure to do so shall not preclude the Board from acting on any application.

Section 6. QUORUM

1. A quorum for all meetings of the Board shall be three (3) members, including alternates sitting in place of members.
2. RSA 674:33, III provides that "the concurring vote of three (3) members of the Board shall be necessary to reverse any action of an administrative official or to decide in favor of any appeal...." for this reason, the Board will make every effort to assure 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 from sitting on a particular case, the Chair shall designate an alternate member 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.

Section 7. DISQUALIFICATION

If any member shall find it necessary to disqualify himself from sitting in a particular case, as provided in RSA 673:14, he shall notify the Chair or Vice-Chair as soon as possible so that an alternate may be requested to be present to sit in his/her place.

The disqualification shall be announced by either the Chair or member disqualifying himself before the beginning of the public hearing on the case.

The member disqualifying himself shall absent himself from the Board table during the public hearing and during all deliberation on the case.

Section 8. ORDER OF BUSINESS

The order of business for a regular meeting will ordinarily be as follows:

1. Roll Call and confirmation of a quorum
2. Consideration of Minutes of the previous meeting
3. Public Hearings on appeals to the Board
4. Deliberations of the Board and disposition of appeals under consideration
5. Other business

Section 9. CONDUCT OF PUBLIC HEARINGS

The conduct of Public Hearings will ordinarily be governed by the following rules:

1. The Chair shall declare the hearing in session.
2. The Chair shall read the application and report on the manner in which public notice and personal notice were given.
3. The applicant shall be called to give his appeal.

4. Those appearing in favor of the appeal shall be allowed to speak.
5. Those appearing in opposition to the appeal shall be allowed to speak.
6. The applicant and those in favor shall be allowed to speak in rebuttal.
7. Those in opposition shall be allowed to speak in rebuttal.
8. Members of the Board may ask questions at any point during testimony. Questions shall be directed through the Chair.
9. Any member of the Board, through the Chair, may request any party to the case to re-appear.
10. Any person who is not a Board member or alternate and who desires to ask a question of another person, must do so through the Chair.
11. The Chair, at their discretion, may permit other interested persons to speak or to ask questions pertinent to the case.
12. Each person who appears shall be required to state their name and indicate whether they are a party to the case, or an agent or counsel to a party to the case, or an abutter or other interested person.
13. The Board shall have the authority to compel witnesses to attend pursuant to RSA 673:15. The applicant shall be required to pay necessary expenses.
14. The hearing on the appeal shall be declared closed and the next case called up.

Section 10. JOINT MEETINGS AND HEARINGS

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 Building Code Board of Appeals, and the Inspector of Buildings, and that each Board shall have discretion as to whether 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 Chairs of the two boards.
3. A public hearing on any appeal to the 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, then RSA 676:2 requires that the Chair of the Planning Board shall chair the joint hearing. If the other board is not the Planning Board, then the Chair of the Board of adjustment shall chair the joint hearing.

- c. The provisions covering the conduct of public hearings, set forth in these Rules of Procedure, together with such additional provisions as may be required by the other board, shall be followed; and
- d. The other board shall concur in these conditions.

Section 11. APPLICATION FOR APPEAL

1. Prior to submitting an application for any type of appeal to the Board, a Certification of Zoning Compliance form shall be filled out by the applicant and submitted to the Zoning Administrator for review and determination. The Zoning Administrator will provide guidance to the applicant on how to proceed once the review has been completed. This is the first step and is a requirement in the appeal process.
2. Each application for an appeal to the Board shall be made on forms provided by the Board, and shall be presented to either the Board's secretarial assistant or the zoning administrative officer, or in the absence of a Building Inspector, the Office of the Town Administrator. The person receiving the application shall stamp it with the date received, note the fee paid, and initial it.
3. An appeal to the Board from any administrative decision or requirement shall be taken within forty-five (45) days of the date of such decision or requirement. (See RSA 676:5.)
4. The Chair may reject any application for appeal that is not properly completed or that lacks the required supporting information.
5. The Board will cause notice of public hearings to be given, and will hear at its next regular monthly meeting all appeals for which applications are properly completed and received at least fifteen (15) days before the date of said meeting.
6. Within thirty (30) days after the public hearing, the Board will approve, approve with conditions, or deny the appeal. Notice of decision will be made available for public inspection within five (5) business days, as required by RSA 676:3, and shall be sent to the applicant, the Town Clerk, and shall be filed with the records of the Board. If the appeal is denied, the notice shall include the reasons therefor.

Section 12. INSTRUCTIONS TO APPLICANTS

The Board shall provide written instructions to any person who may inquire about filing an appeal to the Board of Adjustment.

The instructions shall include a brief explanation of the types of appeal that may be made, the requirements that must be met for the appeal to be granted, and the requirements for filing an appeal. The instructions shall be considered a part of these Rules of Procedure.

Section 13. AMENDMENT

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

Section 14. PASSAGE

Adopted April 22, 1988

Amended June 14, 2001

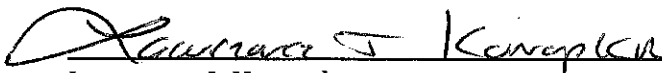
Amended April 11, 2013

Amended November 21, 2013
Ratified March 20, 2014 (no changes)
Amended September 8, 2016
Amended March 8, 2018
Amended April 11, 2019
Amended September 24, 2020

Amended 17 March 2022




Michael Cabral



Lawrence J. Konopka

John P. Heffernan



Arthur O'Hara



Arthur St. Laurent

Carol Dodge, Alternate

Scot Palmer, Alternate

Pittsfield Zoning Board of Adjustment