

**Town of Pittsfield
New Hampshire**

**ZONING BOARD OF ADJUSTMENT
RULES OF PROCEDURE**

**ADOPTED APRIL 22, 1988
AMENDED JUNE 14, 2001
AMENDED APRIL 11, 2013
AMENDED NOVEMBER 21, 2013
RATIFIED WITH NO CHANGES MARCH 20, 2014
AMENDED SEPTEMBER 8, 2016**

TOWN OF PITTSFIELD
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RULES OF PROCEDURE

I. 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.

II. OFFICERS

1. 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. 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.

III. SECRETARY

1. The Board shall appoint a recording secretary. The recording secretary shall prepare minutes of all meetings within 5 business days as provided by RSA 91-A:2, II. The Board shall review the recording secretary's minutes for accuracy.
2. The Board shall appoint a secretarial 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 secretarial assistant's tasks shall include the following:

- A. To give applicants forms for applications to the Board.
 - B. To receive applications to the Board and fees therefor.
 - C. To check individual-notice lists in applications.
 - D. To type, post, mail, and distribute notices of all meetings and hearings of the Board.
 - E. To type, post, mail, and distribute notices of decision in any action taken by the Board.
 - F. To type such correspondence on behalf of the Board as the Board may direct.
3. The recording secretary and the secretarial assistant will ordinarily be employees that the board of selectmen hires and that the zoning board of adjustment approves under RSA 673:16, I. The recording secretary and the secretarial assistant may or may not be the same person.

IV. ADMINISTRATIVE OFFICER

In these rules of procedure, "zoning administrative officer" means the zoning administrative officer according to the Town of Pittsfield Zoning Ordinance, article 1, section 6, Administrator.

V. MEETINGS AND HEARINGS

1. Meetings shall be held on the call of the Chair, at a location designated by the Board. They will ordinarily be held on the second Thursday of each month as needed or at the call of the chair, at 7:00 p.m., at the Town Hall. Notice of the time and place of each meeting shall be given to Board members and alternates, and shall be posted in two places in the Town, at least 24 hours, excluding Sundays and legal holidays, before such meetings, as required by RSA 91-A:2,II.
2. Any Board member, 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 member who

has been absent for three (3), consecutive meetings without notification.

3. Public Hearings on appeals to the Board of Adjustment will 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.
4. A public hearing shall be held within thirty (30) days of receipt of the Notice of Appeal.
5. All meetings and records of the board shall be open to the public in accordance with RSA 91-A:2.
6. The Board shall hold work sessions as needed; they will ordinarily be held on the second Thursday of each month at 7:00 p.m. at the Town Hall.
7. 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.
8. Alternate ZBA members will be seated with the Board and participate in discussion as a non-voting member until taking the seat of a disqualified member.

VI. 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.

VII. 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.

VIII. ORDER OF BUSINESS

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

1. Roll call and confirmation of a quorum.
2. 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.

IX. CONDUCT OF PUBLIC HEARINGS

The conduct of Public Hearings shall 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 his/her 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 his/her name and indicate whether he/she is 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.

X. 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 Section IX of 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.

XI. APPLICATION FOR APPEAL

1. 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 the secretarial assistant and the zoning administrative officer, the Office of the Town Administrator. The person receiving the application shall stamp it with the date when it was received, record on it the time when it was received, note the fee paid, and initial it.
2. An appeal to the Board from any administrative decision or requirement shall be taken within thirty (30) days of the date of such decision or requirement. (See RSA 676:5.)
3. The Building Inspector or Chair may reject any application for appeal that is not properly completed or that lacks the required supporting information.
4. 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.
5. 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 seventy-two (72) hours, 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.

XII. 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 a part of these Rules of Procedure.

XIII. AMENDMENT

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

Adopted September 8, 2016

PITTSFIELD ZONING BOARD OF ADJUSTMENT


Pat Heffernan, vice-chair and acting chair


Date of endorsement