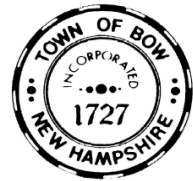


TOWN OF BOW

10 Grandview Road, Bow, New Hampshire 03304
(603) 228-1189



Zoning Board of Adjustment (ZBA)

RULES OF PROCEDURE

ZONING BOARD OF ADJUSTMENT

I. GENERAL

- A. These rules shall govern the procedures by which the Zoning Board of Adjustment (ZBA or Board) shall conduct its business.
- B. The ZBA consists of five (5) regular members and up to five (5) alternate members, each appointed by the Board of Selectmen to serve a three (3) year term.

II. OFFICERS

- A. Annually, the ZBA shall elect officers at a regular meeting which occurs after the Board of Selectmen have made appointments for the coming year as soon as practical after the annual Town meeting.
- B. The officers of the ZBA shall be regular members of the ZBA and include a Chair, a Vice Chair and a Secretary. The officers shall serve as officers until they resign or until their successors have been duly elected.
- C. The duties and responsibilities of the officers are as follows:
 1. The Chair shall preside over all meetings of the ZBA. The Chair shall be the spokesman for the ZBA and shall be responsible, in coordination with the ZBA's Recording Secretary, for receiving and sending communications relative to the ZBA's business.
 2. The Vice Chair shall exercise the duties of the Chair in the absence or unavailability of the Chair, when the Chair specifically requests or if the Chair refuses to exercise the duties of the Chair under the conditions set forth in Rule IV F.
 3. The Secretary shall sign all the Board-approved minutes of the meetings of the ZBA. In the absence or unavailability of the Chair and the Vice Chair, the Secretary shall exercise the duties of the Chair.
 4. A Recording Secretary shall be hired to prepare accurate minutes of the meetings of the ZBA, shall be responsible to see that all required notices are posted, published, and mailed prior to each such meeting and shall perform any other duties directed by the ZBA. The Recording Secretary shall have no vote.
 5. In the absence or unavailability of the Chair, Vice Chair and Secretary, the members present shall select a Regular Member to exercise the duties of the Chair.

III. COMMUNICATIONS

All written communications to the ZBA shall be directed to:

Chairman of the Bow Zoning Board of Adjustment
Bow Municipal Building
10 Grandview Road
Bow, NH 03304

IV. MEETINGS

- A. All meetings of the ZBA are open to the public except when the ZBA shall vote to enter nonpublic session.
- B. When authorized by RSA 91-A:3, the ZBA may hold all or a portion of a meeting in nonpublic session upon the majority roll call vote in favor of a motion to that effect.
- C. All regular and alternate members of the ZBA are expected to attend all meetings. If less than all the regular members of the ZBA are present at a meeting or if a regular member recuses him/herself, the Chair shall have the discretion to designate alternate member(s) to vote in place of the regular member(s).
- D. Any action of the ZBA must be by majority vote of those voting members present. On administrative matters (approving minutes, election of officers, etc.) every member is entitled to vote.
- E. A quorum of the ZBA shall consist of a total of three (3) members. The concurring vote of three (3) members of the ZBA shall be necessary under the circumstances set forth in RSA 674:33, III and Section 13.03 F of the Bow Zoning Ordinance.
- F. If the Chair or Acting Chair refuses to exercise the duties of the Chair at a meeting, any member present can call a motion on the table to vote or make a motion to have another member assume the Chair's duties. If such motion receives a majority vote, then said member shall assume the Chair's duties at such meeting.
- G. Unless otherwise designated in the public notices, all meetings of the ZBA will be held at the Town Municipal Building, Meeting Room "C", 10 Grandview Road, Bow, NH, on the third Tuesday of every month at 7:30 PM.
- H. The agenda for the regular monthly meeting shall close ten (10) days prior to the posted meeting date.
- I. All applications requesting or requiring action by the ZBA (including applications for appeals or rehearings) shall be hand delivered to and recorded by the Building Inspector's Office on Town-prescribed forms. A non-refundable fee shall be submitted with each such application to cover the costs of the advertising, notification, and processing of the application as well as any special investigative studies deemed necessary by the ZBA. If the application is withdrawn or is not accepted, the fee will be returned within thirty (30) days to the applicant, less an administration fee and less any expenses incurred by the Town for advertising, notification or processing of the application.

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- J. All applications, plans (with one set not greater than 11” x 17”) and supplemental material shall be filed at least fourteen (14) days prior to a scheduled meeting in order to be considered by the ZBA. Twelve (12) copies of each should be provided by the Applicant.
- K. At the discretion of the Chair, any application not considered by the ZBA by 10:45 PM will be continued to the next regularly scheduled meeting or to another time and place announced at the time. Subject to the discretion of the Chair, meetings shall be adjourned by 11:00 PM. No new notice of the continuance or adjourned meeting will be provided.
- L. Members of the public shall be allowed to observe, record, film and/or videotape ZBA meetings so long as they are not disruptive and do not interfere with the conduct of the ZBA’s business. In the event of disruptions, the Chair may order the offending parties to leave the meeting room or cease the activities that are causing the disturbance.
- M. The ZBA shall record all of the proceedings and, except where the ZBA otherwise decides, shall keep such recordings until the minutes of the meeting are formally approved by the ZBA or the appeal period has expired, whichever is later. The requestor of any copies of a recorded meeting must bear the expense of such copies made at his/her request.
- N. Applicant is to incur the cost of any independent consultant(s) the ZBA deems necessary and any subsequent legal action and deposition fees to the extent permitted by RSA 673:16 & RSA 676:4,I(g) and/or other applicable law. The ZBA may require a deposit to an escrow account to be established in advance, as deemed appropriate. The applicant shall be responsible for all costs the Town incurs on behalf of the independent consultant(s) regarding their application through any final appeal to a court of competent jurisdiction.
- O. The vote of each voting member shall be recorded as favoring or opposing. The Chair may elect to vote at any time.

V. RECEIPT OF APPLICATIONS

- A. Before a public hearing will be scheduled, the ZBA shall receive and review the applicant’s submission for completeness and compliance with the ZBA’s rules, the Bow Zoning Ordinance and other applicable law.
- B. The burden of proof is upon the applicant to present sufficient evidence to the ZBA to permit the ZBA to grant the relief requested.
- C. The ZBA specifically reserves the right to reject any application that does not comply with the requirements of these rules, the Bow Zoning Ordinance or other applicable law.
- D. Upon receipt of an application, the ZBA may schedule a site walk prior to holding the public hearing. The applicant and/or a duly designated and authorized representative is/are expected to be present at the site walk. Site walks are official ZBA business and members of the public are allowed to attend; however, any comments or concerns made

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or observed at a site walk must be raised during the public hearing to be considered part of the record.

VI. APPEALS UNDER RSA 674:33,I (a) AND SECTION 13.02 A.1 OF THE ZONING ORDINANCE

- A. In the case of any appeal to the ZBA where it is alleged that there is an error in any order, requirement, decision or determination made by the Building Inspector or other Town administrative official in the administration or enforcement of the Bow Zoning Ordinance, such appeal shall be taken within a reasonable time by filing with the ZBA and with the Building Inspector (or other applicable official) a notice of appeal specifying the grounds thereof.

VII. PUBLIC HEARINGS

- A. All submissions and supplemental material submitted following receipt of an application, should be filed at least ten (10) days prior to a scheduled hearing in order to be considered by the ZBA at the hearing.
- B. Upon calling a hearing on an application, the Chair shall afford the applicant and his/her duly designated and authorized agent(s) an opportunity to present the proposal and respond to any questions or concerns expressed by the ZBA. The burden of proof is upon the applicant to present sufficient evidence to the ZBA to permit the ZBA to grant the relief the applicant is requesting.
- C. Abutters, persons with a direct interest in the application, and Town officials or their agents, may testify in person at the hearing or in writing at or before the public hearing. Town residents and others not described above will be permitted to testify at the discretion of the Chair.
- D. Persons requesting to speak during the hearing shall address all comments to the ZBA, and to the Chair in particular. All speakers must state their name and address.
- E. The Chair shall have the discretion to limit the time and scope of the public hearing. Each speaker who is neither an Abutter, nor one who has a direct interest in the application, nor a Town official may be limited to five (5) minutes, and all others to a reasonable time. Each speaker may be limited to two (2) opportunities to address the ZBA at one hearing. Those who wish to testify are encouraged to submit their comments in writing in advance of a hearing to assure that their comments will be conveyed to the ZBA even if time prevents them from fully expressing their views at the hearing.
- F. The Chair shall close the public hearing after all parties have been heard and the ZBA shall proceed to consider action on the application.

VIII. ZBA DELIBERATIONS

- A. The ZBA shall deliberate the merits of any application after the Chair closes the public hearing.

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- B. ZBA deliberations shall be conducted in accordance with Roberts Rules of Order, or a modified version thereof, with the intention being to permit all members of the ZBA to express opinions, influence voting, and ensure that the questions(s) before the ZBA are considered, deliberated, and ultimately decided in an orderly fashion.

IX. MISCELLANEOUS

- A. These rules may be amended at any regular meeting of the ZBA.
- B. The ZBA may, upon motion by any member of the ZBA and by majority vote, waive compliance with any provisions of these rules.

ADOPTED: JULY 26, 1988

PREVIOUS AMENDMENTS: JUNE 17, 1997
MARCH 16, 1999
JANUARY 16, 2001
APRIL 15, 2008

CURRENT (LATEST) AMENDMENT: April 21, 2009

ZBA CHAIR: _____
Harry J. Hadaway, Jr.

Date _____