ZONING BOARD OF ADJUSTMENT RULES OF PROCEDURE
TOWN OF LANCASTER, NEW HAMPSHIRE

Authority:

1. The Rules of Procedure are adopted under the authority of New Hampshire's Revised Statutes Annotated **(RSA) 676:1**.

Purpose:

1. The purpose of the Zoning Board of Adjustment shall be to promote the health, safety and general welfare of the inhabitants of Lancaster, to protect the value of property, to protect against the overcrowding of land, to protect the integrity of the Town's natural resources, to avoid undue concentration of population and to facilitate the adequate provision of public services.

Membership:

1. Composition: Pursuant to **RSA 673:3**, The Lancaster Zoning Board of Adjustment shall consist of five members appointed by the Board of Selectmen. There may also be up to 5 alternate members as appointed by the Board of Selectmen pursuant to **RSA 673:6**. Newly appointed members, including those re-appointed, shall be sworn in and take an oath of office as required by **RSA 42:1**.

2. Terms of Office: Terms of office for Zoning Board of Adjustment members and alternates shall be three years and shall be staggered so that no more than two appointments occur annually, except when required to fill vacancies.

3. If any member is absent for three consecutive regular meetings or five regular meetings in the course of a year, a letter may be sent by the Chairman of the Zoning Board to the Board of Selectmen to determine whether that member should be removed, pursuant to **RSA 673:13**.

4. Designation of Alternate Members: Whenever a regular member of the Board is absent or whenever a regular member disqualifies him/herself, the Chairman shall designate an alternate, if one is present, to act in the absent member's place. The alternate shall have all the powers and duties of a regular member in regards to any matter under consideration on which the regular member is unable to act. The alternate should continue until the matter is completed; the regular member does not vote on the matter.

5. Vacancies: Pursuant to **RSA 673:12**, vacancies in membership occurring other than through the expiration of a term of office shall be filled by the Board of Selectmen for the unexpired term.

6. Officers: All officers, excluding the clerk, shall serve for one year and shall be eligible for re-election for one consecutive year.

a. Chairman: A Chairman shall be elected annually by a majority vote of the Zoning Board of Adjustment in the month of April. He/she shall preside over all meetings and hearings, appoint such committees as directed by the Board and shall affix his/her signature in the name of the Board.

b. Vice-chairman: A Vice-chairman shall be elected annually by a majority vote of the Board in the month of April. The Vice-chairman shall preside in the absence of the chairman and shall have the full power of the Chairman on matters which come before the Board during the absence of the Chairman.

c. Clerk: A Clerk shall be recommended by the Board and appointed by the Board of Selectmen. He/she 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.

Duties and Responsibilities:

1. To attend meetings on a regular basis.

2. To visit the site of proposals being considered by the board.

3. To vote on all motions except in those cases where the member has a conflict of interest or is disqualified for any cause.

4. To be familiar with the Master Plan, pertinent land use regulations and the enabling legislation of the State of New Hampshire

Meetings:

1. Meetings shall be regularly scheduled on the last Wednesday of each month at 6:30 PM at the Lancaster Town Hall. Special meetings may be called by the Chairman, Vice-chairman in the absence of the Chairman, or at the request of three members of the Board provided public notice is given in conformity with **RSA 91-A:2** and that notice to each member is given at least 48 hours in advance of the time of such a meeting. The notice shall specify the purpose of the meeting.

2. Notification of meetings: Notice of all meetings shall be posted in accordance with **RSA 91-A:2**.

3. Quorum: A majority of the membership of the Board shall constitute a quorum including alternates sitting in place of regular members.

4. Member disqualifications: If any member finds it necessary to be disqualified from sitting on a particular case, as provided in **RSA 673:14**, he/she shall notify the Chairman as soon as possible so that an alternate may be requested to fill the place. The disqualification shall be announced by either the Chairman or the member before the discussion at the public hearing

on the application begins. The member disqualified shall leave the Board table during all deliberation and discussions during the public hearing on the matter.

If uncertainty arises as to whether a Board member should disqualify him/herself, on the request of that member or another member of the Board, the Board shall vote on the question of whether that member should be disqualified. Such request and vote shall be made prior to or at the commencement of any required public hearing. A vote on a question of disqualification shall be advisory and non-binding, and may be requested by persons other than Board members.

Order of Business:

1. Call to order by Chairman.
2. Roll call by Clerk.
3. Approval of minutes of previous meeting.
4. Chairman will ask if there are any conflicts of interest with any agenda item.
5. Public Hearing(s).
6. Other business, to include reports of officers and committees.
7. Adjournment.

Voting Procedure:

1. Decisions shall be made by a majority of those members present and voting (when a quorum exists). A motion, duly seconded, shall be carried by a majority vote in the affirmative. The Chairman does not make motions and only votes on motions to break a tie. Votes of members present and voting shall be recorded.

Records:

1. The records of the Board shall be kept by the Clerk. Minutes of the meetings including the names of Board members, persons appearing before the Board and a brief description of the subject matter shall be available to the public within 5 business days after the public meeting as required in **RSA 91-A:2**.

Applications:

1. Applications for hearing before the Board shall be made on forms provided by the Board and shall be presented to the Zoning Board designee who shall sign, certify the application as complete and record the date of receipt.

2. The deadline to submit applications for zoning appeals is 5:00 PM on the Wednesday, 14 days prior to the last Wednesday of each month.

Forms:

1. All forms prescribed herein and revisions thereof shall be adopted by resolution of the Board and shall become part of these rules of procedure.

Public Hearings:

1. Prior to exercising its appeals powers, the Zoning Board of Adjustment shall hold a public hearing. Notice of public hearing shall be given in accordance with **RSA 676:7**.

2. The public hearing shall be held within 30 days of the receipt of the notice of appeal.

3. 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.

4. The conduct of public hearings shall be governed by the following rules:

   a. The Chairman shall open the hearing, identify the applicant and make a brief statement of the purpose of the hearing, the rules governing the hearing and shall indicate that all members sitting are qualified to be present and to vote on the matter to be considered.

   b. The Chairman shall read the application and report on the manner in which public and personal notice was given.

   c. Members of the Board may ask questions at any point during the hearing.

   d. The applicant shall present his/her proposal to the Board.

   e. Those appearing in favor of the proposal may speak. Those appearing against the proposal may speak.

   f. The applicant, and those in favor of the proposal, may rebut.

   g. Those against the proposal may rebut.

   h. Those neither in favor nor in opposition may speak.

   i. Other parties such as representatives of town departments and other town boards and commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing.

   j. The Chairman shall indicate whether the hearing is closed or adjourned pending the

submission of additional material or information or the correction of noted deficiencies. In the case of an adjournment, additional notice is not required if the date, time and place of the continuation is made known at the adjournment.

k. Deliberation.

l. Decision of the Board.

Notice of Decision:

1. The Zoning Board of Adjustment shall render a decision which either approves, disapproves or approves with conditions within 30 days from the date of the public hearing.

General rules regulating the conduct of public hearings are:

1. All questions shall be directed to the chair.

2. Anyone wishing to speak shall be allowed to before anyone is allowed to speak a second time.

3. Each person who speaks shall be required to state his/her name.

Inter-municipal Joint Meetings and Hearings:

1. The Zoning Board of Adjustment may hold joint meetings with other land use boards pursuant to **RSA 676:2**. Each board shall have the discretion whether or not to hold such joint meeting or hearing. Joint business meetings with another local land use board may be held at any time when called jointly by the Chairman of the two boards. A joint public hearing must be a formal public hearing when the subject matter of the hearing is within the responsibilities of the boards convened.

2. The Planning Board shall chair all joint meetings and public hearings when the subject matter involves the Zoning Board of Adjustment.

3. Rules of Procedure: The rules of procedure for joint meetings and hearings shall be the same as these rules of procedure except that the order of business shall be as follows.

   a. Call to order by Chairman.

   b. Introduction of members of both boards by Chairman.

   c. Explanation of reason for joint meeting/hearing by Chairman.

   d. The applicant shall be called to present his/her proposal.

   e. Adjournment.

4. Each board involved in a joint public hearing makes its own decision, based upon its criteria for the particular matter.

Separability:

1. If any portion of these Rules of Procedure shall be held to be invalid, such holding shall not invalidate any other provision contained herein.

Amendment:

1. The Rules of Procedure may be amended at a regular meeting by a majority vote of the members of the Board present provided that a quorum is seated. The amended procedures shall be filed with the municipal clerk.

Approved on December 18, 2013 by an affirmative vote of the Zoning Board of Adjustment.

William H. Potter Jr., Chairman

2/26/14
Date