

RULES OF PROCEDURE

NEW LONDON BOARD OF ADJUSTMENT

Board of Adjustment
Town of New London
Rules of Procedure

AUTHORITY

1. These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, 1983, Chapter 676:1, and the zoning ordinance and map of the town of New London.

OFFICERS

1. A chairman shall be elected annually by a majority vote of the board in the month of March.
2. A vice-chairman shall be elected annually by a majority vote of the board in the month of March.
3. All officers shall serve for one year and shall be eligible for re-election.

MEETINGS

1. Organizational meeting shall be held in March at the New London town hall. Other meetings may be held on call of the chairman provided public notice and notice to each member is given at least 24 hours excluding Sundays and legal holidays prior to such meetings.

2. **Disqualification.** If any member finds it necessary to disqualify himself from sitting in a particular case, as provided in RSA 673:14, he shall notify the chairman as soon as possible so that an alternate may be requested to sit in his place.

The disqualification shall be announced by either the chairman or the member disqualifying himself before the beginning of the public hearing on the case. The disqualified member shall absent himself from the board table during the public hearing and during all deliberation on the case.

3. **Order of Business.** The order of business for regular meetings shall be as follows:

- a. Roll call by the clerk
- b. Minutes of previous meeting
- c. Public hearing
- d. New business
- e. Adjournment

APPLICATION/DECISION

1. Applications.

a. Each application for a hearing before the board shall be made on forms provided by the board and shall be presented to the clerk of the board of adjustment who shall record the date of receipt over his signature.

Appeals from an administrative decision taken under RSA 676:5 shall be filed within 20 days of the decision.

b. All forms and revisions prescribed shall be adopted by resolution of the board and shall become part of these rules of procedure.

2. Public Notice.

a. Public notice of public hearings on each application shall be given in the Kearsarge Shopper and shall be posted at New London Town Hall/Tracy Memorial Library not less than five (5) days before the date fixed for the hearing. Notice shall include the name of the applicant, description of property to include tax map identification, action desired by the applicant, provisions of the zoning ordinance concerned, the type of appeal being made and the date, time and place of the hearing.

b. Personal notice shall be made by certified mail to the applicant and all abutters not less than 5 days before the date of the hearing. Notice shall also be given to the planning board, town clerk and other parties deemed by the board to have special interest. Said notice shall contain the same information as the public notice and shall be made on forms provided for this purpose.

c. Costs of all required notices must be paid for, in advance, by the applicant.

3. **Public Hearing.** The conduct of the public hearings shall be governed by the following rules:

a. The chairman shall call the hearing in session and ask for the clerk's report on the first case.

b. The clerk shall read the application and report on how public notice and personal notice were given.

c. Members of the board may ask questions at any point during testimony.

d. Each person who appears shall be required to state his name and address and indicate whether he is a party to the case or an agent or counsel of a party to the case.

e. Any member of the board, through the chairman, may request any party to the case to speak a second time.

f. Any party to the case who wants to ask questions of another party to the case must do so through the chairman.

g. The applicant shall be called to present his appeal and those appearing in favor of the appeal shall be allowed to speak.

h. Those in opposition to the appeal shall be allowed to speak.

i. The applicant and those in favor shall be allowed to speak in rebuttal.

j. Those in opposition to the appeal shall be allowed to speak in rebuttal.

k. Any person who wants the board to compel the attendance of a witness shall present his request in writing to the chairman not later than 3 days prior to the public hearing.

l. The board of adjustment will hear with interest any evidence that pertains to the facts of the case or how the facts relate to the provisions of the town zoning ordinance and state zoning law.

m. The chairman shall present a summary setting forth the facts of the case and the claims made for each side. Opportunity shall be given for correction from the floor.

n. Decision may be rendered within 14 days.

o. The hearing on the appeal shall be declared closed and the next case called up.

4. **Decisions.** The board shall decide all cases within 14 days. The board will approve, approve with conditions, deny the appeal, or defer its decision. Notice of the decision or deferral will be made available for public inspection within 72 hours, as required by RSA 676:3, and will be sent to all persons notified of the public hearing. If the appeal is denied or deferred, the notice shall include the reasons therefore.



Town of New London

RECORDS

New London, New Hampshire 03257

Office of Selectmen

The records of the board shall be kept by the clerk and made available for public inspection at New London Town Hall in accordance with statutory requirement.

1. Final written decisions will be placed on file and available for public inspection within 72 hours after the decision is made. RSA 676:3.
2. Minutes of all meetings including names of board members, persons appearing before the board, and a brief description of the subject matter shall be open to public inspection within 144 hours of the public meeting. RSA 91-A:2III.

AMENDMENTS

These rules of procedure may be amended by a majority vote of the members of the board provided that such amendment is read at two successive meetings immediately preceding the meeting at which the vote is to be taken.

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 historic district commission, the building code board of appeals, and the inspector of buildings, and that each board shall have discretion as to whether or not 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 chairman 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; and
 - b. If the other board is the planning board, RSA 676:2 requires that the planning board chairman shall chair the joint hearing. If the other board is not the planning board then the board of adjustment chairman shall chair the joint hearing; and
 - c. The provisions covering the conduct of public hearings, set forth in these rules, 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.

APPEAL FROM BOARD'S DECISION

REHEARING

RSA 677:2 Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative Body.

Within 20 days after any order or decision of the board of adjustment, any party to the action or proceedings, or any person directly affected thereby may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefore; and the board of adjustment may grant such rehearing if in its opinion good reason therefore is stated in said motion.

RSA 677:3 Rehearing by Board of Adjustment, Board of Appeals, or Local Legislative Body.

1. A motion for rehearing made under RSA 677:2 shall set forth fully every ground upon which it is claimed that the decision or order complained of is lawful or unreasonable.

2. Upon the filing of a motion for a rehearing, the board of adjustment, shall within 10 days either grant or deny the application, or suspend the order or decision complained of pending further consideration. Any order of suspension may be upon such terms and conditions as the board of adjustment may prescribe.

Date:

Adopted:
New London Board of Adjustment

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DATE: 12/4/91

ADOPTED
New London Board of Adjustment

[Signature]
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[Signature]
[Signature]

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Lois E. Marshall
Lois E. Marshall
Town Clerk