

**RULES OF PROCEDURE  
ZONING BOARD OF ADJUSTMENT  
TOWN OF HOOKSETT**  
(Amended December 10, 2013)

**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 Hooksett.

**OFFICERS**

1. **A Chairman** shall be elected annually by a majority vote of the board in the month of July. The Chairman 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.
2. **A Vice-Chairman** shall be elected annually by a majority vote of the board in the month of July. The Vice-Chairman shall preside in the absence of the Chairman and shall have the full powers of the Chairman on matters, which come before the board during the absence of the Chairman.
3. **A Clerk** shall be elected annually by a majority vote of the board in the month of July. The Clerk 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.
4. All officers shall serve for one year and shall be eligible for re-election.
5. The board will consist of **five (5) members each serving a three (3) year term and three (3) alternate members each serving a three (3) year term**. Such terms shall be staggered. The board shall be appointed, as provided in the Town Charter.

**MEETINGS**

1. **Regular meetings** shall be held at the Town Municipal Building, 35 Main Street, Hooksett, NH at 6:30 pm on the second Tuesday of each month. Other meetings may be held at the call of the Chairman provided public notice and notice to each member is given at least 48 hours excluding Sundays and legal holidays prior to such meetings. In the case of a holiday or unforeseen circumstances, the meeting may be moved to the following Tuesday of the month.
2. **Quorum**. A quorum for all meetings of the board shall be three members, including alternates sitting in place of members. RSA 674:33, III provides that "...the concurring vote of three 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 ensure that a full five-member board is present for the consideration of any appeal.

If any regular board member is absent from any meeting or hearing, or disqualifies himself from sitting on a particular case, the Chairman shall designate one of the alternate members 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.

3. **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. When there is uncertainty as to whether a member should be disqualified to act on a particular application, that member or another member of the board may request the board to vote on the question of disqualification. Any such request shall be made before the public hearing gets underway. The vote shall be advisory and non-binding.

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.

4. **Order of Business.** The order of business for regular meetings shall be as follows:
  - a) Call meeting to order.
  - b) Introduce members of the board.
  - c) Minutes of the previous meeting.
  - d) Unfinished business.
  - e) Public hearings.
  - f) New Business.
  - g) Correspondence
  - h) 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 Building Department who shall record the date of receipt. A \$30.00 application fee for residential and a \$60.00 application fee for non-residential shall accompany all applications.

Appeals from an administrative decision shall be filed within 30 days of the decision.

Prior to each meeting, the Secretary shall present to the board all applications received.

- b) All forms and revisions prescribed shall be adopted by 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 posted in two public places and the local newspaper not less than five (5) days before the date fixed for the hearing. Notice shall include the name of the applicant, description of the property, action desired by the applicant, 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 five (5) days before the date of the hearing. Said notice shall contain the same information as the public notice.
- c) Costs of all required notices and application fees must be paid by the applicant prior to the application being heard.

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

- a) The Chairman shall call the hearing in session.
- b) Members of the board may ask questions at any point during the testimony.
- c) 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.
- d) Any member of the board, through the Chairman, any request any party to the case to speak a second time.
- e) Any party to the case who wants to ask a question of another party to the case must do so through the Chairman.
- f) The applicant shall be called to present his appeal.
- g) Those appearing in favor or in opposition shall be allowed to speak.
- h) 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 zoning ordinance and state zoning law.

- i) 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.
- j) The hearing on the appeal shall be declared closed.

**4. Decisions.** The board will approve, approve with conditions, deny the appeal or defer its decision within 30 days. Notice of the decision will be made available from public inspections within 72 hours, as required by RSA 676:3, and will be sent to the applicant. If the appeal is denied, the notice shall include reasons therefore.

## **RECORDS**

The records of the board shall be kept by the Secretary and made available for inspection at the Building Department in accordance with statutory requirements.

1. Final written decisions will be placed on file and available for inspections within 72 hours after the decision is made.
2. Minutes of all meetings shall be open to public inspection within 144 hours of the meeting.

## **AMENDMENTS**

These rules of procedure may be amended by a majority vote 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 “land use boards”, including the Planning Board, the Historical District Commission, the Building Code of Appeals, and that each board shall have the discretion as to whether or not to hold a joint meeting with any other land use board.
2. Joint business meeting with any other land use board may be held 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 hearing for 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 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 any be required by the other board, shall be followed; and,
- d) The other board shall concur in these conditions.