

**TOWN OF WALPOLE
ZONING BOARD OF ADJUSTMENT
BYLAWS**

ARTICLE I. AUTHORITY

Section 1. These bylaws are adopted under the authority of New Hampshire Revised Statutes Annotated Chapter 676:1 and the Zoning Ordinance of the Town of Walpole, New Hampshire.

ARTICLE II. OFFICERS

Section 1. A Chairperson will be elected annually at the first meeting following the town meeting by a majority vote of the board. The Chairperson will serve for one year and will be eligible for re-election. The Chairperson will preside over meetings and hearings, appoint such committees as directed by the Board, and will affix his/her signature in the name of the Board.

Section 2. A Vice-Chairperson will be elected annually at the first meeting following the town meeting by majority vote of the Board. The Vice-Chairperson will preside in the absence of the Chairperson and will have full powers of the Chairperson on matters which come before the Board during the absence of the Chairperson.

Section 3. A Clerk will be elected annually at the first meeting following the town meeting by a majority vote of the Board. The Clerk will serve for one year and will be eligible for re-election. In the absence of the Recording Secretary, the Clerk will maintain a record of all meeting, transactions, and findings of the Board and will perform such other duties as the Board may direct including the affixing of his/her signature in the name of the Board.

Section 4. In the absence of the Chairperson and Vice-chairperson, the board may vote to appoint a member to serve in the position of Chairperson.

ARTICLE III. ALTERNATES

Section 1. Up to five alternate members will be appointed, as provided for by the local legislative body, and should attend all meetings to familiarize themselves with the workings of the board to stand ready to serve whenever a regular member of the board is unable to fulfill his/her responsibilities. The terms of the alternates is for a period of three years each (RSA 673:6, II-a) and will be reviewed annually at the first meeting following the town meeting.

Section 2. In the absence of a regular member, an alternate will be appointed to serve. If a scheduled hearing is not concluded during the meeting, the alternate will continue in all related subsequent hearings. At meetings of the ZBA, alternates who are not activated to fill the seat of an absent or recused member or who have not been appointed by the chair to temporarily fill the unexpired term of a vacancy, may participate with the board in a limited capacity. During a public hearing,

alternates may sit at the table with the regular members and may view documents, listen to testimony, ask questions and interact with other board members, the applicant, abutters and the public. Alternates will not be allowed to make or second motions. Once the board moves into deliberations, alternates will no longer participate with the board. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motions or votes that may be made. At all times, the chair will fully inform the public of the status of any alternate present and identify the member who will be voting on the application.

Section 3. Members must reside in the community and are expected to attend each meeting of the board to exercise their duties and responsibilities. Any member unable to attend a meeting will notify the chairperson as soon as possible. Members, including the Chairperson and all officers, will participate in the decision-making process and vote to approve or disapprove all motions under consideration.

ARTICLE IV. MEETINGS

Section 1. Regular Meetings

Regular meetings will be held at the Walpole Town Hall at 7 PM on the third Wednesday of the month. Other meetings may be held on call of the Chairperson provided public notice is given and notice to each member of at least twenty-four (24) hours in advance of the meeting in accordance with RSA 91-A:2, II.

Section 2. Quorum

A quorum for regular business will consist of three (3) members. If a member disqualifies himself/herself or cannot act in a particular case the member will notify the Chairperson to appoint an alternate who will have all the powers and duties of a regular member in regard to the appeal or appeals under consideration on which the regular member is unable to act (RSA 674:33 Powers of Zoning Board of Adjustment. III.) The concurring vote of three (3) members of the Board will be necessary to reverse any action of the administrative official or to decide in favor of the applicant on any matter on which it is required to pass.

If there are fewer than five members (including alternates) present, the Chairperson will give the option to proceed or not to the applicant. Should the applicant choose to proceed with fewer than five members present, that decision will not solely constitute grounds for a rehearing should the application fail.

If the applicant opts to postpone due to less than a full board present, the board will announce the time, date and location of the continued hearing. If the board cannot determine the time, date and location of the continued hearing, the board will provide new notice to all parties pursuant to RSA 676:7.

Section 3. Order of Business

The order of business for regular meetings will be as follows:

1. Roll call.
2. Minutes of the previous meeting.
3. Disposition of appeals under consideration.
4. Hearing of new appeals.
5. New Business.

NOTE: The formal observance of the order may be waived by mutual and unanimous consent of the members of the Board to better expedite the business of the meeting.

Section 4. Public Hearing

The conduct of public hearings will be governed by the following rules:

- a. The Chairperson will call the meeting to order and call for the Clerk's report on the first case.
- b. The Recording Secretary will read the application and report on the manner in which the public notice and personal notice were given.
- c. The applicant will be called to present his/her appeal and those appearing in favor of the appeal will be allowed to speak.
- d. Those in opposition to the appeal will be allowed to speak.
- e. Those in favor will be allowed a rebuttal.
- f. Those in opposition will be allowed a rebuttal.
- g. The hearing on the appeal will be declared closed.
- h. Voting on Variances: The Board will discuss each of the five criteria separately but have one vote on the decision for the application for a Variance.
- i. At any point during the hearing, if any party to that hearing, after being cautioned by the Chairperson, continues to act in a disruptive manner, the Chairperson may accept a motion to recess the hearing and upon majority vote in favor of such motion will declare the hearing recessed.

General Rules

- j. Any member of the Board, through the Chairperson, may request any party to the case to reappear.

- k. Each person who appears will be required to state his/her name and address and indicate whether he/she is a party to the case or an agent or counsel of a party to the case.
- l. Any party to the case who desires to ask a question of another party to the case must do so through the Chair.
- m. Any person who desires the Board to compel the attendance of a witness will present his/her request in writing to the Chair no later than three (3) days prior to the hearing.
- n. All complaints must be submitted in writing to the Board and signed by the complainant in order for the Board to act upon the complaint.

Section 5. Joint Hearings

The Zoning Board of Adjustment may hold joint meetings or hearings with other town "land use boards", including the Planning Board. Each board will have discretion as to whether or not to hold a joint meeting with any other land use board. When there is a joint meeting with the Planning Board, the Planning Board will chair the hearing; if not, the Zoning Board will chair the meeting.

ARTICLE V. APPEALS

- Section 1. Each application for an appeal will be made on forms provided by the Board and will be presented to the Board. The Recording Secretary will record the date of receipt over the Chairperson's signature.
- Section 2. An appeal to the Board on any administrative decision or requirement will be taken within forty-five (45) days of the date of such decision or requirement.
- Section 3. The Board will reject any application not properly filled out and will decide the time of the hearing for all other applications when received.
- Section 4. The Board will decide all cases within thirty (30) days of hearing. Notification of the decision will be sent to the applicant and filed in the records of the Board.

ARTICLE VI. FORMS

All forms and revisions thereof will be adopted by resolution of the Board and will become part of the bylaws.

ARTICLE VII. FEES

The Board may, from to time, establish a fee schedule for public hearings, permits, notices, and other such times or procedures as may be needed. The fee schedule will be posted publicly.

ARTICLE VIII. PUBLIC NOTICE

Section 1. Public notice of public hearings on each appeal will be given in a local newspaper (10) days prior to the meeting and will be posted at the Town Hall at least five (5) days prior to the hearing. Such notice will include the name of the applicant, provision of the Zoning Ordinance concerned, the type of appeal being made, and the time and place of the hearing.

Section 2. Personal notice will be made by certified mail to the applicant, property owner and all abutters. Notice will be given to other parties deemed by the Board to have special interest. The notice will contain the same information as the public notice and will be made on forms provided for this purpose.

ARTICLE IX.

Minutes: RSA 91 "Raw materials: Tapes and notes used to compile meeting minutes are governmental records as long as they are retained: policy to discard/reuse after minutes are approved is acceptable."

ARTICLE X. AMENDMENT

These bylaws may be amended by majority vote of the members provided that such amendment is read at two successive meetings.

Revised: March 2023