

ZONING BOARD OF ADJUSTMENT  
TOWN OF MEREDITH

BY-LAWS  
(Amended Jul 19, 2023)

I. AUTHORITY

These By-Laws are adopted under the authority of the New Hampshire Revised Statutes Annotated, Chapters 672 - 677 and the Zoning Ordinance of Meredith.

II. OFFICERS

1. Election of officers shall be held at the regularly scheduled meeting in April. A new member appointed to fill an unexpired term shall be junior to all other members who are serving full terms, and thus shall not be eligible to be elected either Chairman or Vice Chairman during the period he/she is serving a former member's expired term.
2. The Chairman shall serve from the April meeting for one year and shall be eligible for reelection. His/her shall have all the powers and duties prescribed by the Laws of the State of New Hampshire, preside over meetings and hearings, appoint such committees as directed by the Board and shall affix his/her signature in the name of the Board.
3. The Vice Chairman shall serve from the April meeting for one year and shall be eligible for re-election. He/she shall preside in the absence of the Chairman on matters which come before the Board during the absence of the Chairman.
4. If both the Chairman and Vice-Chairman are unavailable for a particular meeting or case, the Chairman will appoint a regular member to chair that meeting or case. If he doesn't do so, the most senior Board member will act as Chairman.
5. Alternate members of the Board, having been duly appointed by the Board of Selectmen may participate in the discussion and deliberation of cases, and may participate in the discussion of other matters before the Board, but shall be without vote or any powers or duties, unless designated to serve in place of a member, However, no member or alternate member shall sit or participate in deliberating a case unless he or she has attended the public hearing, or continued hearing, for that case.
6. The Clerk of the Board shall be appointed by the Town Manager. His/her term of office shall be indefinite. The Clerk shall publish the required notices of public hearings and he/she shall notify the petitioner and other appropriate parties of the

time and place of such hearings. He/she shall also keep the minutes of the meetings of the Board, the record of public hearings and shall maintain the general files of the Board including those documents pertinent to each case coming before the Board for decision. He/she shall notify the petitioner in each case of the action taken by the Board on each petition.

7. The Zoning Administrator/Code Enforcement Officer, the zoning clerk, or in their absence the ZBA chairman or his/her designee, shall review all ZBA applications to determine whether all requirements for filing have been met (i.e., whether all required forms have been fully completed and all items on the application checklist submitted). If such person determines that the application is complete, it will be placed on an agenda for consideration and hearing by the board at a regularly scheduled public meeting. If the application is determined not to be complete, it will be returned to the applicant with an explanation of the outstanding items. Such decision regarding incomplete applications may be appealed as a decision of an administrative official under RSA 674:33, 1(a)

### III. MEMBER

1. Members shall be appointed by the Board of Selectmen (the appointing authority).
2. If a member should resign or otherwise vacate his/her position before the expiration of his/her term, the Selectmen shall appoint a replacement to fill the former member's unexpired term.
3. A member or alternate shall notify the Clerk of the Board and/or the Chairman if his/her is unable to attend a meeting.
4. If any member of the Board shall fail to attend three (3) consecutive regularly scheduled monthly meetings of the Board, that member may be removable by the appointing authority upon written charges and after a public hearing. Pursuant to RSA 673:13

### IV. MEETINGS

1. Meetings of the board shall be held at the call of the Chairman and at such other times as the Board may determine. Notice is to be given each member at least 48 hours prior to the time of such meetings. All regular meetings shall be held on the 2<sup>nd</sup> Thursday of the month at 6:30 p.m. (beginning October 12, 2023) at a place to be determined by the Chairman, unless otherwise determined by the Board.
2. A quorum for regular business, for public hearings, and for deciding an appeal shall consist of three (3) members, except that no decision shall be made either positively

or negatively on an appeal without a total of three (3) like votes of the members present. If a member disqualifies himself/herself or cannot act in a particular case, he/she shall so notify the Chairman who shall appoint an alternate who shall 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.

3. The order of business shall be as follows:
  - A. Roll call by Clerk
  - B. Minutes of previous meeting
  - C. Disposition of appeals under consideration
  - D. Hearing of appeals
  - E. Rulings by Board
  - F. The conduct of public hearings shall be governed by the following rules
    1. The Chairman shall call the meeting to order and the Clerk shall call the roll.
    2. The Chairman shall call for the Clerk's report on the first case and the Clerk shall read the application.
    3. The applicant shall be called to present his/her appeal and those appearing in favor of the appeal shall be allowed to speak.
    4. Those in opposition to the appeal shall be allowed to speak
    5. The applicant and those in favor shall be allowed to speak in rebuttal.
    6. Those in opposition to the appeal shall be allowed to speak in rebuttal.
    7. The public hearing on the appeal shall be declared closed.
4. The last case will be called by 10:00. No new cases will be heard after 10:00 at the discretion of the Chairman. Any cases not heard will be moved to the next regularly scheduled meeting and will be heard first.

#### General Meeting Rules:

1. Members of the Board may ask questions at any point during the testimony.
2. Any member of the Board, through the Chairman, may request any party to the case to reappear.
3. Each person who appears shall be required to state his/her name and address.
4. Any party to the case who desires to ask a question of another party to the case may do so through the Chairman.
5. Any person who desires the Board to compel the attendance of a witness shall present his/her request in writing to the Chairman no later than three (3) days prior to the public hearing. The decision to grant or deny such a request is at the sole discretion of the Board pursuant to RSA 673:15.

6. Voting on Variances: When the Board is deliberating and voting on whether to grant a variance, the following procedure will be followed: The Board will consider each of the five statutory criteria that the applicant is required to satisfy under RSA 674:33, 1(b) and discuss to the extent necessary to reach a general understanding on each one, but will not take a separate formal vote on each one. When the Chair determines that an understanding has been reached on each of the five criteria, he/she will call for a motion and the Board will proceed to vote on the variance application as a whole.
7. If a motion is made and the Board votes to defeat that motion, the result is that the Board has taken no action. The Board should continue deliberations and/or a different motion should be made, until the Board has voted to pass a motion. In the event of a tie, alternate motions should be put forward; however, if the Board cannot reach a decision, the meeting should be continued until an odd number of voting members can participate in the vote. The concurring vote of 3 members of the board shall 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 pursuant to RSA: 674:33 (III).

#### V. CONTINUANCE

Cases shall not be continued more than 3 times to a date specific meeting. If the board grants a request to continue the case further, there shall be re-notification fees paid by the applicant.

#### VI. APPEALS

1. Each application for an appeal shall be made on forms provided by the Board and be presented to the Clerk in the Planning and Zoning Office who shall record the date of receipt. The Clerk shall prepare an agenda and information packet of all applications received which shall be made available to the Board one (1) calendar week prior to the meeting.
2. An appeal to the Board on any administrative decision or requirement shall be taken within ninety (90) calendar days of the date of such decision or requirement.
3. The applicant of an appeal shall pay an application fee as determined by the Zoning Board of Adjustment (see X: Appendices- I. Schedule of Fees), plus a fee for each abutter notification including notification of the applicant. Said fees are to accompany the completed application form and be presented to the Clerk of the Board prior to the application deadline.
4. The Board shall decide all cases within ninety (90) days of hearing unless the applicant agrees to an extension. Notification of the decision shall be made on a form provided by the Board and shall be sent to the applicant, the Town Clerk, and the Assessor and filed with the records of the Board.

## VI. REHEARING PROCEDURES (July 14, 2022)

1. Within 30 days after the board of adjustment has made an initial decision, any person affected directly by the decision has the right to appeal that decision using forms provided by the board. The application fee is due no later than the close of business on the 30<sup>th</sup> day. The 30-day period is counted in calendar days beginning with the date following the date of the board vote. If the Motion for Rehearing includes multiple cases, a separate application and fees are required for each case.
2. The board shall meet to consider the Motion for Rehearing and act to approve or deny it within 30 days. This is a public meeting subject to the posting requirements of the Right to Know law, but is not a public hearing and no formal notice is required to either the applicant or abutters (or the party requesting rehearing) and no testimony is taken during the meeting.
3. The board shall notify the petitioner of their decision to approve or deny the Motion for Rehearing. If the board grants a Motion for Rehearing:
  - a. The new public hearing shall be scheduled within 30 days of the decision to grant the rehearing. The original applicant may request an extension for the rehearing beyond the 30 days.
  - b. All notice fees are paid and an updated abutters list is submitted by the party requesting the rehearing.
  - c. Notification of the rehearing shall follow the procedures set forth in *Section VIII. Public Hearings- Notice*.

## VII. FORMS

All forms and revisions thereof shall be adopted by resolution and shall become a part of these By-Laws.

## VIII. PUBLIC HEARINGS - NOTICE

Notice of public hearing shall be given as follows:

1. The appellant and every abutter and holder of conservation, preservation or agricultural preservation restrictions of the subject property shall be notified of the hearing by certified mailing stating the time and place of the hearing. In accordance with RSA 672:3, notice to condominium owners will be satisfied by providing notice to the officers of the condominium association. Such notice shall be given no less than five (5) days before the date fixed for the hearing of the appeal. The Board shall hear all abutters and non- abutters desiring to submit testimony.

2. A public notice of the hearing shall be placed in a newspaper of general circulation in the area no less than five (5) days before the date fixed for the hearing of the appeal.
3. The public hearing shall be held within thirty (30) calendar days of the receipt of the notice of appeal or an application for variance, special exception or equitable waiver that is determined to be complete under Section III (7) of these rules, unless otherwise agreed to in writing by the appellant/applicant.
4. Notice shall be given to the Planning Board, the Town Clerk, the Selectmen and other parties deemed by the Board to have special interest. Said notice shall contain the same information as for the public notice.

IX. AMENDMENT

These By-Laws may be amended by a majority vote of the members provided that such amendment is presented at two successive meetings.

X. APPENDICES


- A. Notice and Instructions to Applicants
- B. Application Notification List
- C. Application for Variance
- D. Application for Special Exception
- E. Application for Special Exception-Wetlands
- F. Application for Equitable Waiver
- G. Administrative Decision
- H. Application for Motion for Rehearing
- I. Fee schedule

ADOPTED by the Meredith Zoning Board of Adjustment — August 10, 2023

  
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Robb Jutton, Chairperson

  
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David Thorpe

  
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Thomas Girard, Vice Chairperson

  
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John Dever III

  
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Matthew Slomcheck-Alternate