

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

FIRST HEARING October 22, 2012
SECOND HEARING ON November 26, 2012

ADOPTED ON: November 26, 2012

AUTHORITY

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

OFFICERS

A chairman shall be elected annually by a majority vote of the board at the first meeting following the March Town Meeting. 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.

A vice chairman may be elected annually by a majority vote of the board at the first meeting following the March Town Meeting. The vice chairman's duties are to 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.

A clerk may be elected annually by a majority vote of the board at the first meeting following the March Town Meeting. The clerk's duties are to maintain a record of all meetings, transactions and decisions of the board, and perform such other duties as the board may direct by resolution.

All officers would serve for one year and are eligible for re-election.

MEMBERS AND ALTERNATES

In accordance with the Town of Northfield Zoning Ordinance, there shall be five (5) regular members appointed by the Board of Selectmen on staggered three year terms and not more than 3 alternate members appointed by the Board of Selectmen. Alternate members 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.

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 should notify the chairman as soon as possible. Members shall participate in the decision making process and vote to approve or disapprove all motions under consideration.

MEETINGS

1. Regular meetings shall be held at the Northfield Town Hall at 7:00 p.m. on the 4th Monday of the month if there are applications submitted in accordance with these rules of procedure. Other meetings may be held at the 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. 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 3 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.
3. 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. If any member finds it necessary to disqualify himself from sitting in 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 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 him/herself before the beginning of the public hearing on the case. The disqualified member shall absent him/herself from the board table during the public hearing and during all deliberation of the case.
4. The order of business for regular meetings shall be as follows:
 - Chairman calls the meeting to order.
 - Roll call to determine quorum present. (Chairman designate alternates if necessary).
 - Adopt Minutes of the previous meeting
 - Open the Public Hearing on New Business
 - Close the Public Hearing on New Business
 - Old Business
 - Any Other Business
 - Adjournment

APPLICATION

Any property owner or his/her designated agent, applying for a variance, special exception, and equitable waiver of dimensional requirements or appeal of an administrative decision; shall submit an application in accordance with the following regulations. Only complete applications will be considered by the Board.

To be complete an application shall:

- A. be typed or legibly printed on the application form available at the Town Office.
- B. includes all appropriate fees.
- C. is submitted to the Selectmen's office at least 15 calendar days prior to a regularly scheduled meeting of the board.
- D. appeals from an administrative decision taken under RSA 676:5 shall be filed within 30 days of the decision.
- E. include the names and proper mailing addresses of all abutters as indicated in the appropriate county registry of deeds records. It shall be the sole responsibility of the applicant to provide the Zoning Board with a complete list of abutters. "Abutter" means any person whose property adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his/her land will be directly affected by the proposal under consideration.
- F. the applicant shall provide the town with three sets of address labels for all abutters and others requiring notification.
- G. all costs of notice, including mailing, posting, or publishing, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the Zoning Board to terminate further consideration and to disapprove the application without a public hearing.

A Plot Plan shall be required for all applications to the Zoning Board for a variance or special exception. The Plot Plan shall:

- A. Be up to date and dated.
- B. Drawn to scale, with drawing number and north arrow.
- C. Signature and name of preparer and official seal of licensed engineer or surveyor, as necessary.
- D. The lot dimensions and bearings and any bounding streets and their right of way widths or half sections.
- E. The name of and distance along an approved subdivision road, or a town or State maintained highway, other than a State limited access highway.
- F. Locations and dimensions of existing or required service areas, buffer zones, landscaped areas, recreation areas, safety zones, signs, rights of ways, streams, drainage, easements, wells, septic systems and any other requirements.
- G. All existing buildings or other structures with their dimensions and encroachments.
- H. All proposed buildings, structures, or additions with dimensions and encroachments indicating "proposed" on the plan.
- I. "Zoning envelope" made from setbacks required by Zoning Ordinance. Indicate zone classification, and all setback dimensions, including front yard for corner lots if a choice is allowed. Indicate any zone change lines.
- J. Computed lot and building areas and percentage of lot occupancy.
- K. Elevations, curb heights, and contours if required or relevant.
- L. Location and numbering of parking spaces and lanes with their dimensions (if applicable). Indicate how required parking spaces are computed.
- M. Dimensions and directions of traffic lanes and exits and entrances.

- N. Any required loading and unloading and trash storage areas.
- O. Photographs would be helpful.

APPLICATION FEES

Variance	\$100.00
Special Exception	\$100.00
Equitable Waiver of Dimensional Requirements	\$25.00
Appeal of Administrative Decision	\$25.00
Abutter Notification	\$10.00 per abutter (to be increased as U.S. Postal Rates Increase)

PUBLIC NOTICE

Public notice of public hearings on each application shall be given in the Winnisquam Echo and shall be posted at the Northfield Town Hall and Northfield Police Department not less than (5) five days before the date of the hearing. Notice shall include the name of the applicant, description of the 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.

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, Selectmen, Town Clerk, Highway Superintendent, Police Department and other parties deemed by the board to have special interest. Said notice shall contain the same information as the public notice. Costs for all required notices shall be paid for, in advance, by the applicant.

PUBLIC HEARINGS

Following the call to order and roll call, the chairman may make a brief statement of the general principals involved in the appeal process and explain the purpose of the public hearing.

The chairman will outline the rules governing the hearing.

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

Each person who appears shall 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.

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

The chairman reads the application and reports on how public notice and personal notice was given. Presentation by the petitioner of his/her case.

Testimony of those in favor of the appeal.

Testimony of those opposed to the appeal.

Rebuttal by the petitioner.

Rebuttal by the opposition.

Chairman summarizes the case stating both the known and agreed facts and the alleged facts and opinions. Anyone wishing to dispute the accuracy of the summary is given an opportunity to do so.

Chairman closes the hearing.

Chairman calls the next case up.

DECISIONS:

The board shall decide all cases within a reasonable period of time from the close of the public hearing and shall approve, approve with conditions, or deny the appeal. Notice of the decision will be made available for public inspection within 144 hours and will be sent certified mail to the applicant. If the appeal is denied, the notice shall include the reasons therefore. The notice shall also be given to other town officials as determined by the board.

RECORDS

The records to the board shall be kept in the Town Offices and made available for public inspection during regular town office hours, Monday through Friday, 8:30 a.m. to 5:00 p.m. Final written decisions will be placed on file and available for public inspection within 144 hours after the decision is made. 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 inspections within 144 hours of the meeting.

AMENDMENTS

These rules of procedure may be amended by the board provided that the amendment is not adopted until the next regular meeting at which the vote is to be taken.

WAIVERS

Any portion of these rules of procedure may be waived in such cases where, in the opinion of the majority of the board, strict conformity would pose a practical difficulty to the applicant and waiver would not be contrary to the spirit and intent of the rules.

JOINT MEETINGS & HEARINGS

Joint meetings or hearings with other "land use boards" shall be provided in accordance with RSA 676:2.