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# **Zoning Board of Adjustment**

Town of Bristol, NH

## **Bylaws**

Adopted February 18, 1987  
Revised September 1989  
Revised February 2000  
Revised July 2, 2003  
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Zoning Board of Adjustment  
Town of Bristol, NH  
**BYLAWS**

## **Article I - Authority**

These bylaws are adopted under the authority of New Hampshire Revised Statutes Annotated (RSA) 676:1 and the Zoning Ordinance and Zoning map of the Town of Bristol.

## **Article II - Members** (Ref. RSA 673:3)

The Zoning Board of Adjustment (ZBA) shall consist of five (5) members, and not more than five (5) alternates, who shall be appointed by the Select Board and shall be a resident of the Town of Bristol. Members serve for three (3) years on a staggered basis.

## **Article III - Officers** (Ref. RSA 673:8 & 9)

1. A Chair shall be elected annually by the ZBA at the first meeting following Town Meeting by a majority vote of the Board. Said Chair shall serve for a one-year term and shall be eligible for re-election. Said Chair shall preside over all meetings and hearings, appoint such committees as directed by the Board and affix signature in the name of the Board.
2. A Vice-Chair shall be elected annually by the ZBA at the first meeting following Town Meeting by a majority vote of the Board. Said Vice-Chair shall serve for a one-year term and shall be eligible for re-election. Said Vice-Chair shall preside in the absence of the Chair and shall have the full powers of the Chair on matters which come before the Board during the absence of the Chair.
3. The Land Use Office shall maintain a record of all meetings, transactions, findings of the Board, and perform such other duties as the Board may direct.

## **Article IV - Alternates** (Ref. RSA 673:6 & RSA 673:11)

1. Provision shall be made for the appointment of not more than five (5) alternates for three-year terms.
2. An alternate shall serve whenever a regular member is unable to fulfill his/her responsibilities.

## **Article V - Removal of Members** (Ref. RSA 673:13)

Should a regular member or alternate miss more than four (4) consecutively scheduled or announced meetings of the Board in a calendar year without being excused by the Chair, such conduct shall be presumed to be neglect of duty. At this time, the Board may vote on recommending to the Select Board that such member be removed from office in accordance with the procedures prescribed in RSA 673:13.

## Article VI - Meetings (Ref. RSA 673:10)

1. Regularly scheduled meetings shall be held at the Town Office building, at 6:00 p.m. on the first Tuesday of each calendar month, unless necessary to change. (revised 2024)
2. Other meetings may be held on call of the Chair. Notice of such a meeting shall be provided to each member of the Board by telephone or in writing at least 48 hours in advance, excluding Sundays and legal holidays. Notice to the public shall be provided at least 48 hours in advance of said meeting by posting in two (2) public places in town and in accordance with the provisions of RSA 91-A ("the Right-to-Know" law).
3. In order to transact business, the Board shall consist, of a quorum of three (3) members. However, the concurring vote of three (3) members of the Board shall be necessary to take any action on any matter on which the Board is required to pass, pursuant to RSA 674:33 (powers of ZBA).
4. The order of business for regular meetings shall be as follows:
  - a. roll call by the Land Use Office
  - b. approving minutes of previous meeting
  - c. public hearing
  - d. communications and miscellaneous business
  - e. unfinished business
  - f. new business
  - g. adjournment

At the discretion of the Chair, the usual order of business by the Board may be changed to hold the hearings immediately after the roll call to better accommodate the public.

## Article VII - Public Hearing (Ref. RSA 676:1)

1. The conduct of public hearings shall be governed by the following rules:
  - a. The Chair shall call the hearing in session and ask for the Land Use Office's report on the first case.
  - b. The Land Use Office shall read the application, report on how public notice and personal notice were given, and any responses received.
  - c. Applicant will briefly present application and the Board will vote as to whether to accept the application as complete according to the Zoning checklist requirements.
  - d. Members of the Board may ask questions at any point during testimony.
  - e. Each person who appears shall be required to state their name and address and indicate whether they are a party to the case or an agent or counsel of a party to the case.

- f. Any member of the Board, through the Chair, may request any party to the case to speak a second time.
- g. Any party to the case who wants to ask a question of another party to the case must do so through the Chair.
- h. The applicant shall be called to present his/her appeal and those appearing in favor of the appeal shall be allowed to speak.
- i. Those in opposition to the appeal shall be allowed to speak.
- j. The applicant and those in favor shall be allowed to speak in rebuttal.
- k. Those in opposition to the appeal shall be allowed to speak in rebuttal.
- l. Any person who wants the Board to compel the attendance of a witness shall present a request in writing to the Chair no later than ten (10) days prior to the public hearing.
- m. The ZBA will hear with interest any evidence that pertains to the facts of the case of how the facts relate to the provisions of the Bristol Zoning Ordinance and State zoning law.
- n. The Chair shall present, when appropriate, an oral summary, at the end of the public hearing, setting forth the facts of the case and the claims made for each side. Opportunity shall be given for correction from the floor.
- o. The hearing on the appeal shall be declared closed. The Board may proceed to the decision process at this time or defer it until the Board has an opportunity to review the information presented. Should the Board defer, the next case shall be called up.
- p. Deferred decision meetings will be scheduled, and a review of the information will not include public participation.
- q. A hearing may be continued if further information is required by the ZBA. Public hearing rules continue to apply.

## Article VIII - Notice of Public Hearings (Ref. RSA 676:7)

- 1. Public notice of public hearings on each application shall be given in a newspaper of general circulation in the area and shall be posted at the Town Offices not less than five (5) days before the date fixed for the hearing. Such notice shall include the name of the applicant, description of property to include tax map identification, action desired by the applicant, provision of the Zoning Ordinance concerned, the type of appeal being made and the date, time, and place of the hearing.

2. The applicant and every abutter shall be notified of the hearing by verified mail (RSA 21:53) stating the time and place of the hearing, and such notice shall be given not less than 14 days before the date fixed for the hearing of the appeal. Notice shall also be given to the Land Use Officer 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. (Revised 2024)
3. The presence of the applicant, or his/her agent, is recommended at the hearing set for consideration of the applicant's request. If an applicant or agent is not in attendance, then the hearing may be continued.

## Article IX - Applications

1. Each application for a hearing before the Board shall be made on forms provided by the Board and shall be presented to the Land Use Office, on or before the filing date of each calendar month. The Land Use Office shall record the date of receipt over his/her signature. At each meeting, the Land Use Office shall present to the Board all applications received prior to the beginning of the meeting.
2. The filing date shall be by 12:00 p.m., twenty-one (21) days before the regularly scheduled meeting. Saturdays, Sundays, and holidays included. (Revised 2024)
3. All applications shall be scheduled for a public hearing to be conducted within forty-five (45) days of receipt by the Board.
4. An appeal to the Board, in accordance with RSA 676:5, shall be taken within thirty (30) days by filing with the Board, on forms provided therefor, a notice of appeal specifying the grounds therefore.
5. An application to the Zoning Board of Adjustment shall be accompanied by:
  - a. costs of notifying all abutters by verified mail (Personal Notice)
  - b. an application fee
  - c. Failure to pay such costs in advance shall constitute valid grounds to terminate further consideration and to deny the appeal without a public hearing. (Revised 2024)
6. All forms prescribed shall be adopted by resolution of the Board and will be reviewed on an annual basis.

## **Article X - Decisions** (Ref. RSA 676:3)

Notification of a Board decision shall be made on a form provided by the Board. The Notice of Decision shall be sent to the applicant, Land Use Office, filed in the records of the Board and made available for public inspection within five (5) business days of making its decision. The Board shall provide the applicant with written reasons for the approval or denial within five (5) business days of making its decision. (Revised 2024)

## **Article XI - Conditional Compliance Hearing**

1. If the Board attached any condition(s) to an approval which can or must be completed by the applicant prior to taking any action, the approval shall be considered only a "conditional approval" and shall be marked as such. The Board shall require, and so indicate on the "conditional approval", that the applicant must come back for a "compliance hearing" within 90 days as set at the "conditional approval" unless another time frame is requested.
2. At the "compliance hearing" the Board shall determine whether the conditions attached to the "conditional approval" as described in paragraph 1 of this section have been satisfied. If the Board determines that the conditions have been met, a final approval shall be entered on the records of the Board and provided to the applicant.

## **Article XII - Rehearing** (Ref. RSA 677:2)

Within 30 days after any order or decision of the Zoning Board of Adjustment, or any decision of the legislative body or a board of appeals in regard to its zoning, the Selectmen, 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 grounds therefor; and the Board of Adjustment, a board of appeals, or the local legislative body, may grant such rehearing if in its opinion good reason therefor is stated in the motion. If the decision complained against is that made by a Town Meeting, the application for rehearing shall be made to the Board of Selectmen, and, upon receipt of such application, the Select Board shall hold a rehearing within 30 days after receipt of the petition. Following the rehearing, if in the judgment of the Select Board the protest warrants action, the Select Board shall call a Special Town Meeting.

## **Article XIII - Joint Hearings**

Pursuant to RSA 676:2, the following rules shall apply to joint hearings or meetings:

1. An applicant or another board may request, in writing, that a joint hearing or meeting be held with another board when the subject matter the applicant or board wishes to raise is relevant to both boards.
2. The Board retains complete discretion as to whether it shall hold a joint hearing or meeting.
3. The Chair shall address the question of whether to hold a joint hearing or meeting to the full Board.

4. If the Board agrees or chooses to hold a joint hearing or meeting, the Chair shall communicate this decision to the other board involved and he shall have the authority to arrange for said meeting or hearing.
5. If the Board denies the request for a joint hearing or meeting, the Land Use Office shall communicate that decision to the requesting party.
6. The applicant shall be required to file all information and forms as required for any other hearing.

## Article XIV - Amendment

These by-laws may be amended by a majority vote of the members of the Board. These by-laws shall be placed on file with the Land Use Office for public inspection.

02/16/2024

(Date)

  
Melody Mansur (Feb 16, 2024 10:17 EST)

(Chair, on behalf of the Zoning Board of Adjustment)