



**NOTTINGHAM, NH
ZONING BOARD OF ADJUSTMENT
BY-LAWS
AND
RULES OF PROCEDURE**

**Adopted August 25, 2020
Amended April 18, 2023**

NOTTINGHAM N.H. ZONING BOARD OF ADJUSTMENT BY-LAWS AND RULES OF PROCEDURE

AUTHORITY:

These By-laws and 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 Nottingham, New Hampshire.

MEMBERS AND ALTERNATES:

1. The Zoning Board of Adjustment shall consist of 5 regular members, each a resident of the town of Nottingham, elected at municipal election. The term of regular members shall be 3 years, in accordance with RSA 673:3 and RSA 673:5.
2. The Zoning Board of Adjustment shall consist of up to 5 alternate members, each a resident of the town of Nottingham, appointed by the regular members of the Zoning Board of Adjustment. The term of Alternate members shall be 3 years in accordance with RSA 673:6.
3. The entire Board, including the Chairperson and all officers shall participate in the decision making process and vote to approve or disapprove all motions under consideration.

OFFICERS:

1. Chairperson: A Chairperson shall be elected annually by a majority vote of the Board in the month of April. The Chairperson shall preside over all meetings and hearings, appoint such committees as directed by the Board, and affix their signature in the name of the Board.
2. Vice Chairperson: A Vice-Chairperson shall be elected annually by a majority vote of the Board in the month of April. The Vice-Chairperson shall preside in the absence of the Chairperson and shall have the full powers of the Chairperson on matters that come before the Board during the absence of the Chairperson.
3. All officers shall serve for one year and shall be eligible for re-election.

MEETINGS:

1. Meetings: Regular meetings shall be held as necessary. Other meetings may be held at the call of the Chairperson provided public notice and notice to each member is given in accordance with RSA 91-A: 2, II.
2. Quorum: A quorum for all meetings of the Board shall be three (3) elected members, not including alternates sitting in place of regular members. The Board will make every effort to ensure that a full five (5) member Board is present for each hearing. If any regular Board member is absent from any meeting or hearing, or disqualifies themselves from sitting on a particular case, the Chairperson shall designate one of the alternate members to sit in place of the absent or disqualified member, and the 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 him or herself from sitting on a particular case, as provided in RSA 673:14, the member shall notify the

Chairperson as soon as possible so that an alternate may be requested to sit in his or their place. Either the Chairperson or the member disqualifying themselves shall announce the disqualification before the beginning of the public hearing. The disqualified member shall step away from the Board table during the public hearing and during all deliberations on the case.

4. Preparation: ZBA Members are strongly recommended to do a drive-by of the case properties in order to make a more fully informed decision.
5. Order of Business: The typical order of business shall be as follows:
 - A. Call to order by the Chairperson
 - B. Roll call
 - C. Explanation by the Chairperson of rules and procedures for the hearing(s).
 - D. Public hearing(s)
 - E. Unfinished, new, and/or other business
 - F. Adjournment

ZBA members are strongly recommended to do a drive by site visit for every application so that they are aware of the current neighborhood conditions and can make a more informed decision that will not be contrary to the public interest.

6. Public Hearing: The conduct of public hearings shall be governed by the following rules:
 - A. The Chairperson shall call the hearing in session and read the application.
 - B. Members of the Board may ask questions at any point during testimony.
 - C. Each person who appears shall be required to state their name and address and indicate their affiliation to the case.
 - D. Any member of the Board, through the Chairperson, may 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 Chairperson.
 - F. The applicant shall be called to present their case and those abutters in favor shall be allowed to speak.
 - G. Those abutters in opposition shall be allowed to speak.
 - H. The Board will hear any evidence that pertains to the case from other parties that wish to speak.
 - I. The applicant and those in favor shall be allowed to speak in rebuttal.
 - J. Those in opposition shall be allowed to speak in rebuttal.
 - K. The Chairperson shall present a summary setting forth the facts of the case and the claims made for each side, with opportunity given for correction from the floor.
 - L. The hearing shall be declared closed.
 - M. The Board may vote to approve or disapprove the application immediately after the close of the hearing or wait until the members can prepare their statements of reasons for their vote, with a final decision of the Board made within 30 days of the hearing, with a simple majority necessary to validate a decision.
7. Decisions: The Board shall decide all cases within 30 days of the close of the public hearing and shall approve, approve with conditions, or deny the application or appeal. Notice of the decision will be mailed to the applicant and be made available for

public inspection within 5 business days, as required by RSA 676:3. If the application is denied, the notice shall include the reasons theretofore. Notice shall also be given to town officials as determined by the Board and posted at the Nottingham Town Office Building and the Nottingham Post Office.

AMENDMENTS:

These rules of procedure may be amended by a majority vote of the members of the Board provided that such amendment is read at the meeting immediately preceding the meeting at which the vote is to be taken.

WAIVERS:

Any portion of these rules may be waived in such cases where, in the opinion 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.

APPLICATION, FEES AND PUBLIC NOTICE

1. Applications:

- A. Each application for a hearing shall be made on forms provided by the Board and be submitted to the Land Use Clerk in order to be properly scheduled.
- B. Appeals from an administrative decision taken under RSA 676:5 shall be filed within 30 days of the decision.
- C. All forms and revisions prescribed shall be adopted by resolution of the Board and shall become part of those rules of procedure.

2. Fees:

- A. The Zoning Board of Adjustment may impose reasonable fees upon an applicant for the expense of consultant services, investigative studies, review of the documents, additional administrative expenses and any other such matters that may be required by a particular application. Any such fees shall be subject to the provisions of RSA 673:16.

3. Public Notice:

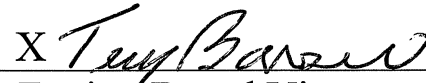
- A. Public Notice of public hearings on each application shall be given in a local newspaper but may also post on an electronic forum as well. Public Notice shall be posted at the Nottingham Town Office Building and the Nottingham Post Office not less than 5 days before the date of the hearing. Notice shall include the name of the applicant and property owner, description of the property by address and tax map identification, action desired by the applicant, relevant restrictions of the Zoning Ordinance, 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 5 days before the date of the hearing. Notice shall also be given to 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.

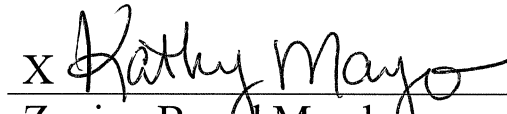
Authorization

By signing below, the Zoning Board of Adjustment Members swear to have read these "By-Laws and Rules of Procedure" and hereby certifies that he/she has received the most recent Town of Nottingham Regulations and Ordinances.

DATE ADOPTED: August 25, 2020 via Zoom Public Hearing Meeting

X 
Zoning Board Chairperson

X 
Zoning Board Vice-Chairperson

X 
Zoning Board Member

X 
Zoning Board Member

X _____
Zoning Board Member

X 
Zoning Board Alternate

X _____
Zoning Board Alternate

X _____
Zoning Board Alternate