

**ZONING BOARD OF ADJUSTMENT
TOWN OF FARMINGTON
BY-LAWS**

AUTHORITY

1. These By-Laws are under the authority of New Hampshire Planning and Land Use Regulation 2003 - 2004 Edition, RSA 673:1 IV, and the Zoning Ordinance of the Town of Farmington Zoning Ordinance Adopted March 13, 2001, amended March 13, 2002 and March 11, 2003, Section 1.10 Zoning Board of Adjustment.

OFFICERS

1. A Chairperson shall be elected annually in the month of April by a majority of the Board. Said Chairperson shall serve for one year and shall be eligible for re-election. He/she shall 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.
2. A Vice Chairperson shall be elected annually in the month of April by a majority vote of the Board. Said Vice Chairperson shall preside in the absence of the Chairperson and shall have full powers of the Chairperson on matters which come before the Board during the absence of the Chairperson.
3. A Clerk/Secretary shall be elected annually in the month of April by a majority vote of the Board. Said Clerk/Secretary shall serve for one year and shall be eligible for re-election. He/she shall maintain a record of all meetings, transactions, and findings of the Board, and perform such duties as the Board may direct by resolution.

MEETINGS

1. Regular meetings shall be held at the Farmington Municipal Offices Building at 7:00 p. m. to conduct board business with public hearing commencing at 7:30 p. m. on the first Thursday of each month. Other meetings may be held on call of the Chairperson, provided notice is given to each member at least forty-eight (48) hours prior to the time of such meeting.
2. **Quorum:** A quorum for all business shall consist of three (3) members. A quorum for hearings and deciding an appeal shall consist of three (3) members. If a member disqualifies him/herself or cannot act in a particular case, he/she shall so notify the Chairperson, who shall request the appointing authority to 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. **Chairperson:** The Chairperson shall preside over all meetings. In the absence of the Chairperson, the Vice Chairperson shall preside. The Clerk/Secretary shall preside in the absence of the Vice Chairperson.
4. **Order of Business:** The order of business for regular meetings shall be as follows:
 - a. Roll call by the Chairperson
 - b. Minutes of the previous meeting

- c. Disposition of appeals under consideration
- d. Hearing of appeals
- e. Executive Session

(Note: Although this is the usual order of business, the Board may wish to hold the hearings immediately after the roll call in order to accommodate the public.)

5. Disqualification of a Board Member:

- a. All members of the board must follow "Conflict of Interest Rules" set down in New Hampshire Planning and Land Use Regulation, RSA 673:14, or any other rules of conflict of interest or rules set by the Town of Farmington or this board.

6. Public Hearing: The conduct of public hearings shall be governed by the following rules:

- a. The Chairperson shall call the meeting to order and report on the first case.
- b. The Chairperson shall read the application and report on the manner in which the public notice and personal notice was given.
- c. The applicant shall be called to present his/her appeal and those appearing in favor of the appeal shall be allowed to speak.
- d. Those in opposition to the appeal shall be allowed to speak.
- e. The applicant and those in favor shall be allowed to speak in rebuttal.
- f. Those in opposition to the appeal shall be allowed to speak in rebuttal.
- g. The Chairperson shall present a summary setting forth the facts of the case and claims made for each side. Opportunity shall be given for correction from the floor.
- h. The public hearing portion on the appeal shall be declared closed.
- i. Vote by board to deliberate an appeal or continue the appeal.
- j. Hear next case.

GENERAL RULES:

- k. Members of the Board may ask questions at any point during testimony.
- l. Any member of the Board, through the Chairperson, may request any party to the case to appear.
- m. Each person who appears shall be required to state his name and address and indicate whether he is a party to the case or an agent or counsel of a party to the case.
- n. Any party to the case who desires to ask a question of another party to the case must do so through the Chairperson.
- o. Any person who desires the Board to compel the attendance of a witness shall present his/her request in writing to the Chairperson not later than three (3) days prior to the public hearing.

APPEALS

- 1. Each application for an appeal shall be made on forms provided by the Board with an appropriate number of copies of application information as required for the board's review shall be presented to the Clerk of the Board of Adjustment who shall record the

date of receipt over his/her signature. At each meeting, the Clerk shall present to the Board all applications received by him/her prior to the beginning of the meeting.

2. An appeal to the Board on any administrative decision or requirement shall be taken within thirty (30) days of the date of such decision or requirement.
3. The Board shall reject any petition not properly filled out and will post the time of hearing for all other petitions when received.
4. The Board will decide all cases within a reasonable length of time from the date of hearing. Notifications of the decision shall be made on a form provided by the Board and shall be sent to the applicant, a newspaper of general circulation, the Town Clerk and filed in the records of the Board.

FORMS

1. All forms and revisions thereof shall be adopted by resolution and shall become a part of these laws (see appendix).

PUBLIC NOTICE

1. Prior to exercising its appeals power, the Board of Adjustment shall hold a public hearing. Notice of the public hearing shall be given as follows:
 - a. The appellant and every abutter shall be notified of the hearing by certified mail, return receipt requested, stating the time and place of the hearing; and such notice shall be given not less than five (5) days before the date fixed for the hearing of the appeal. The Board shall hear all abutters desiring to submit testimony and all non-abutters who can demonstrate that they are affected directly by the proposal under consideration. The Board may hear such other persons as it deems appropriate.
 - b. A public notice of the hearing shall be placed in a newspaper of general circulation in the area not less than five (5) days before the date fixed for the hearing of the appeal.
2. The public hearing shall be held within thirty (30) days of the receipt of the notice of appeal.
3. Any party may appear in person or by his/her agent or attorney at the hearing of an appeal.
4. The cost of notice, whether mailed, posted or published shall be paid in advance by the applicant. Failure to pay such cost shall constitute valid grounds for the Board to terminate further consideration and to deny the appeal without public hearing.

AMENDMENT

1. These By-Laws may be amended by the majority vote of the members, provided that such amendment is read at two (2) successive meetings.

These By-Laws adopted September 8, 1988 and amended **June 3, 2004**

Margaret Russell
Margaret Russell

J. Russell Stoakes
Russell Stoakes

Thomas R. Brennan
Tom Brennan

~~Charlie King~~

Neil Gosselin

Randy Orvis
Randy Orvis

Filed with the Town Clerk this date: _____

Kathy L. Seaver, Town Clerk