

BOARD OF APPEALS

TOWN OF KENSINGTON, NH

APRIL 5, 1994 BY-LAWS/RULES OF PROCEDURE

AUTHORITY

1. These by-laws are adopted under the authority of NH Revised Statutes Annotated, 1955, Chapter 673 and the Zoning Ordinance of the Town of Kensington, NH.

OFFICERS

1. A Chairman shall be **elected** annually in the month of April by a majority vote of the Board. Said Chairman 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-Chairman shall be **elected** annually in the month of April by a majority vote of the Board. Said Vice-Chairman shall 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.

3. The Administrative Assistant shall act as Clerk. He/she shall maintain a record of all meetings, transactions and findings of the Board, and perform such other duties as the Board may direct by resolution.

MEETINGS

1. Regular meetings shall be held at the Town Hall unless otherwise called for by the Chairman, and in any event at the Town Hall if it is a hearing, at 7:30 p.m. on the first Tuesday of each month. Other meetings may be held on call of the chairman provided notice is given to each member at least 48 hours prior to the time of such meeting.

2. QUORUM. A quorum for any business shall consist of three members. If there is not a full Board, even with alternates serving, the chairman will give the applicant the option of postponing the hearing until all members are present. If a member disqualifies himself or cannot act in a particular case he/she shall so notify the Chairman who shall request the appointing authority in March each year 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. CHAIRMAN. The chairman shall preside over all meetings. In the absence of the Chairman, the Vice-Chairman shall preside.

4. PUBLIC NOTICE.

a. Public notice of public hearings on each appeal shall be given in a newspaper of general circulation and shall be posted at the Town Hall not less than 5 days prior to said hearing. Such Notice shall include the name of the applicant, description of property, action desired by the applicant, provision of the zoning ordinance concerned, the type of appeal being made and the time and place of the hearing.

b. Personal notice shall be made by regular mail to members of the Board of Appeals, to owners of record of property and abutters by certified, return receipt mail. Said notice shall contain the same information as the public notice and shall be made on forms provided for this purpose.

5. ORDER OF BUSINESS. The order of business for regular meetings shall be as follows:

a. Roll call by the Chairman

- b. Minutes of 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.)

6. PUBLIC HEARING. The conduct of public hearings shall be governed by the following rules:

- a. The Chairman shall call the meeting to order and call for the Clerk's report on the first case.
 - b. The Chairman shall read the application and report on the manner in which public notice and personal notice were 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 Chairman shall present a summary setting forth the facts of the case and the claims made for each side. Opportunity shall be given for correction from the floor.
 - h. Any person who desires the Board to compel the attendance of a witness shall present his/her request in writing to the Chairman not later than five days *prior* to the public hearing.
 - i. The hearing on the appeal shall be declared closed. The applicant will be told that a decision shall be taken within thirty days, and the next case called up.
 - j. Members of the Board may ask questions at any point during the testimony.
 - k. Any member of the Board, through the Chairman, may request any party to the case to reappear.
1. 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.
- m. Any party to the case who desires to ask a question of another party to the case must do so through the Chairman.

APPEALS

1. Each application for an appeal shall be made on forms provided by the Board. The application shall be presented to the Clerk of the Board of Appeals not less than 21 days prior to the scheduled meeting. At each meeting the Clerk shall present to the Board all applications to be heard at that meeting.
2. An appeal to the Board on any administrative decision shall be taken within thirty days of the date of such decision.

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. Notification of the decision shall be made on a form provided by the Board and shall be sent to the applicant 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 by-laws.

AMENDMENT

1. These by-laws may be amended by majority vote of the members provided that such amendment is read at two successive meetings.

These By-laws were approved April 5, 1994 by Kensington Board of Adjustment members:

W. Allen (?)

Leslie C. Briggs

Patricia Williams

Donna L. Lizotte

Gloria B. Lizotte