

RULES OF PROCEDURE

Zoning Board of Adjustment

TOWN OF BEDFORD, NEW HAMPSHIRE

Adopted by the Bedford Zoning Board of Adjustment
July 25, 1978

Revised: July 15, 1997

Revised January 1, 2001 (Standardized periods for re-hearings & appeals, changed posting period of ZBA decision to 144 hrs., added equitable waiver, amended language "...benefit the public interest")

Revised: August 17, 2004 (amended language for variances) docs.id.17955

Revised: September 20, 2005 (Article 9 – time limits)

Revised: December 3, 2007 (change 144 hours to 5 business days)

Revised: July 20, 2010 (amended language for variances, etc.)

Revised September 20, 2011 (amended language for submission dates)

ARTICLE 1
Authority

Section 1.1 Authority

These Rules of Procedure are adopted under the authority of NH Revised Statutes Annotated, 676:1 and the Zoning Ordinance of the Town of Bedford, Article 45-14-3 (Supplement I, 3/8/94).

Section 1.2 Name

The name of the board shall be "Town of Bedford, New Hampshire Zoning Board of Adjustment" as adopted at the Town Meeting of March 9, 1953 .

ARTICLE 2
Powers and Duties

The Zoning Board of Adjustment shall have the following powers and duties:

Section 2.1 Administrative Appeals

The Zoning Board of Adjustment shall hear and decide appeals if it is alleged there is error in any order, requirement, or decision, or determination made by an administrative official in the enforcement of any Zoning Ordinance with regard to the terms of the Zoning Ordinance or any construction, interpretation or application of the terms of the Zoning Ordinance implicated in the decision under appeal.

The term "administrative official" as used in this Section means any official or board with responsibility for issuing permits or certificates under the Zoning Ordinance, or for enforcing the ordinance, including, without limitation, the Building Inspector, Zoning Administrator, Planning Board, Historic District Commission and Conservation Commission.

Appeals from the Planning Board may be heard by the Zoning Board of Adjustment *if* the Planning Board, in the exercise of its subdivision or site plan review powers, makes a decision or determination which is based upon the terms of the Zoning Ordinance, or upon any construction, interpretation or application of the Zoning Ordinance, which would be appealable to the Zoning Board of Adjustment as if it had been made by an administrative official.

With respect to Building Code appeals, the Zoning Board of Adjustment does not have the authority to waive the requirements of the code. The authority of the Zoning Board of Adjustment to amend a building code decision is limited to the following circumstances:

- A. The true intent of the legally adopted Code or Rules has been incorrectly interpreted; or
- B. The provisions of the Code do not fully apply; or
- C. An equally good or better form of construction is proposed.

The Zoning Board of Adjustment shall have the authority to hear appeals from denials of permits to build on a Class VI town road.

In exercising its powers in such appeals, the Zoning Board of Adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order or decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken.

An applicant aggrieved by a decision of an administrative official shall have a time limit of thirty (30) days from the date of such decision in which to file an appeal except when the Zoning Board of Adjustment may vote to extend such appeal period for good cause shown and when the rights of interested parties will not be unduly prejudiced. The time limit begins on the first day after the decision that the office of the Zoning Administrator is open to the public. (See also Section 8.2)

Section 2.2 Variances

The Zoning Board of Adjustment shall hear and decide applications for variance from the terms of the Zoning Ordinance.

The Zoning Board of Adjustment may attach reasonable conditions to the granting of a variance provided that such conditions shall relate to the use of the land rather than to the personal circumstances of the person who will exercise the rights allowed by the variance.

Use Variances

The Zoning Board of Adjustment may grant an application for a use variance where the applicant has met each of the following five requirements:

1. Granting the variance would not be contrary to the Public Interest.
2. The Spirit of the ordinance is observed.
3. Granting the variance would do substantial justice.
4. The values of the surrounding properties would not be diminished.
5. The literal enforcement of the provisions of the ordinance would result in unnecessary hardship
 - A. Denial of the variance would result in unnecessary hardship because:
 1. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property:
 2. The proposed use is a reasonable one.
 - B. If the criteria in subparagraph (A) above is not established, explain why the property cannot be used in strict conformance with the ordinance and why a variance is therefore necessary to enable a reasonable use of it.

The Zoning Board of Adjustment may attach reasonable conditions to the granting of a variance provided that such conditions shall relate to the use of the land rather than to the personal

circumstances of the person who will exercise the rights allowed by the variance.

Section 2.3 Special Exceptions

The Zoning Board of Adjustment may authorize special exceptions to the terms of the Zoning Ordinance for uses specifically identified in the Table of Uses. The Zoning Board of Adjustment may grant such special exceptions in appropriate cases and subject to appropriate conditions so as to be in harmony with the general purpose and intent of the Zoning Ordinance. If the Zoning Board of Adjustment finds that all the requirements of the Zoning Ordinance are met, the special exception, subject to any conditions ordered by the Board, shall be granted. If the applicant does not demonstrate that each of the requirements are met, the Zoning Board of Adjustment shall deny the special exception. The Zoning Board of Adjustment may attach conditions to the granting of a special exception as may be determined to be appropriate to mitigate the impact of the proposed use on the surrounding properties and to protect the health and welfare of the Town and its residents. Such conditions include, but are not limited to, those conditions enumerated in Article 45-14-4 (c) and Article 45-14-4 (d) of the Zoning Ordinance.

Section 2.4 Equitable Waiver of Dimensional Requirement

When a lot or any other division of land, or structure thereupon, is discovered to be in violation of Figure 45. Table of Dimensional Regulations, the Zoning Board of Adjustment shall grant an equitable waiver only if the board makes all of the following findings as more particularly provided in RSA 674:33-a:

- A. The violation was not discovered by any owner, former owner, owner's agent or municipal official until after the structure had been substantially completed.
- B. The violation was not caused by ignorance of the law, misrepresentation or bad faith, but was instead a good faith error in measurement.
- C. The physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property.
- D. Due to the degree of past construction or investment made, the cost of correction so far outweighs any public benefit that it would be inequitable to require that the violation be corrected.
- E. **OR**, In lieu of the findings in (a) and (b) above, the owner may demonstrate that the violation has existed for 10 years or more, and that no enforcement action has been commenced against the violation by the municipality or any person directly affected.

Section 2.5 Expiration of Approvals

Any administrative appeal, variance, special exception or equitable waiver granted by the Zoning Board of Adjustment will be rendered null and void unless active and substantial development has occurred within one (1) year of the date of the approval.

ARTICLE 3
Membership and Term of Office

Section 3.1 Membership; Term of Office

The Zoning Board of Adjustment shall consist of five (5) residents of the Town of Bedford appointed by the Town Council as regular members for staggered three (3) year terms and a minimum of three (3) and a maximum of five (5) residents of the Town of Bedford appointed by the Town Council as alternate members for staggered three (3) year terms.

Section 3.2 Vacancies

In the event of a vacancy in the Zoning Board of Adjustment occurring other than through the expiration of a term of office, the Town Council shall appoint a replacement member for the unexpired term.

Section 3.3 Removal of Members

After a public hearing, appointed members and alternate members may be removed by the Town Council upon written findings of inefficiency, neglect of duty, or malfeasance in office. The Zoning Board of Adjustment may submit written recommendations to the Council either in support or in opposition to the proposed removal of a member. The Town Council shall file with the Zoning Board of Adjustment Recording Secretary a written statement of reasons for removal.

Section 3.4 Continuing Education

Within the first year of assuming office for the first time, a regular or alternate member must participate in at least six (6) hours of training designed and furnished by the Office of State Planning, and all members shall have the opportunity to attend the continuing education seminars offered by the Office of State Planning or the Southern New Hampshire Regional Planning Commission.

ARTICLE 4
Organization and Officers

Section 4.1 Organization Meeting; Officers

The Zoning Board of Adjustment, at its regular May meeting shall be called to order by the current Chairman. At this meeting, the Board shall organize for the election of one of its members as Chairman and one as Vice-Chairman.

Section 4.2 Terms of Officers; Eligibility

The term of every officer and chairman elected by members of the Zoning Board of Adjustment shall be one (1) year. Both the chairman and the officers shall be eligible for re-election.

Alternate members shall not serve as elected officers.

Section 4.3 Duties of Chairman

The Chairman shall call the meeting to order, designate alternates to replace a regular member who may be absent or may disqualify herself/himself, preside over all meetings and hearings, decide all points of order and see that all proceedings are in accordance with the Ordinances and Regulations of the Town of Bedford and the statutes of the State of New Hampshire. The Chairman shall appoint such committees as directed by the Zoning Board of Adjustment and shall affix her/his signature in the name of the Board. The Chairman shall present a yearly report of the activities of the Board for publication in the Town Annual Report, coordinate operational matters with the Town Planning Department and perform all other duties of the presiding officer.

Section 4.4 Duties of Vice-Chairman

The 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 including, but not limited to: calling the meetings to order, designating alternates to replace a regular member who may be absent or may disqualify herself/himself, presiding over deliberations; and seeing that all proceedings are in accordance with the Ordinances and Regulations of the Town of Bedford and the statutes of the State of New Hampshire.

Section 4.5 Duties of Recording Secretary

The Recording Secretary shall be responsible for all receiving and issuing official correspondence to or from the Zoning Board of Adjustment subject to these Rules and the direction by resolution of the Board. The secretary shall maintain a record of all meetings, transactions and decisions of the Board; and shall further maintain a file on each application which comes before the Board.

ARTICLE 5 Administration

Section 5.1 Staff Liaison; Designated Agent

The Zoning Administrator of the Town of Bedford shall serve as administrative staff Liaison to the Zoning Board of Adjustment and shall be the designated agent of the Zoning Board of Adjustment in all administrative, finance, and enforcement matters.

Section 5.2 Recording Secretary to the Zoning Board of Adjustment

The Recording Secretary to the Zoning Board of Adjustment shall keep a full and accurate record of the proceedings of all meetings by taped recordings and transcribed minutes on computer disk and on printed media. Tape recordings and computer disks shall be preserved for a period of six (6) years, and printed minutes shall be permanently preserved.

The records of the Zoning Board of Adjustment shall be kept by the Recording Secretary and made available for public inspection at the Town Office Building in accordance with statutory requirements. Final written decisions will be placed on file and available for public inspection on the next day that the Town Office Building is open to the public following the date of the Board's decision; and a decision shall be available for public inspection no more than five (5) business days after the decision is made. A draft of minutes of all meetings, which draft shall be subject to review and amendment by the Zoning Board of Adjustment at its next regular meeting, including the names of Board members in attendance, persons appearing before the Board, and a brief description of the subject matter shall be open to public inspection not more than five (5) business days after the decision is made.

The Recording Secretary shall give public notice of all public hearings in the manner required by RSA 676:7 or as may be otherwise required by New Hampshire statute. Notice shall include the time and place of the hearing, the name of the applicant, the location of the property including the tax map identification, the type of application being filed, the action desired by the applicant, the type of zoning district in which the property is located and the provision(s) of the Zoning Ordinance concerned. The Recording Secretary shall notify the applicant and every abutter by certified mail. The notice must be given not less than five (5) days before the date of the hearing. The Recording Secretary shall post public notices of all meetings in the Town Office Building and the Town Library and in a newspaper of general circulation not less than five (5) days before the date of the hearing. All required application costs must be paid for, in advance, by the applicant.

A public hearing on an application must be scheduled within thirty (30) days of the receipt of the application absent a written waiver of this requirement by the applicant. The Recording Secretary is required to verify that payment of necessary fees has been received by the Town of Bedford before consideration of an agenda item at a public hearing.

The Recording Secretary shall mail a copy of the decision of the Zoning Board of Adjustment granting or denying an application to the applicant not more than five (5) business days after the Board's decision; and the Recording Secretary shall also notify the Town Council, the Building Inspector and the Planning Board of the decision.

Section 5.3 Finances

The expenditures of the Zoning Board of Adjustment, exclusive of reimbursement of fees, shall be within the amounts appropriated for the purpose by the Town Council.

Any fee which the Zoning Board of Adjustment lawfully imposes upon an applicant, including but not limited to application fees, fees for notice, fees for administrative expenses or investigative studies under RSA 676:4, I(g), or to implement other conditions lawfully imposed as part of a conditional approval:

- A. Shall be placed in the custody of the Town Finance Director, subject to the same investment limitations as other municipal funds;
- B. May be expended only for the purpose for which it was imposed upon the

applicant;

- C. Shall be held in a separate, non-lapsing account, and not commingled with other municipal funds; provided, however, that such fees may be used to reimburse any account from which an amount has been spent in anticipation of the receipt of such fees;
- D. May be expended without the approval of the Town Council, and shall be paid out by the Town Finance Director only upon order of the Zoning Board of Adjustment or its designated agent.

ARTICLE 6

Meetings

Section 6.1 Regular Meeting Schedule

Regular meetings shall be held on the third (3rd) Tuesday of each month and may be held at the call of the Chairman at such other times as the Zoning Board of Adjustment may determine subject to public notice as required by New Hampshire statute. Regular meetings shall begin at 7:00 PM at the Town Office Building.

Section 6.2 Working Sessions

Working sessions in the Town Office Building, open to the public, may be held as needed by call of the Chairman.

Section 6.3 Executive Sessions

All meetings of the Zoning Board of Adjustment shall be open to the public except for Executive Sessions which shall be held only in accordance with RSA 91-A:3 (the Right-to-Know Law). Before entering into a non-public session, the Board shall cite one of the specific statutory reasons for the executive session by a motion with the roll call vote to be recorded. Matters which the Board may consider appropriate for non-public session may include the hiring of a public employee, matters which, if discussed in public would likely affect adversely the reputation of any person, other than a member of the Board itself, unless such person requests an open meeting, or discussions of pending or threatened litigation involving the Board. While in non-public session, the Board is limited to consideration of the subject which was the reason for entering the non-public session. Minutes of non-public sessions must be disclosed to the public within seventy-two (72) hours unless two-thirds (2/3rds) of the members vote to seal the minutes after a determination that divulgence of the information likely would affect adversely the reputation of any person other than a member of the Board itself or render the proposed action ineffective.

Section 6.4 Site Visits

Members of the Zoning Board of Adjustment may visit and make observations of a site which is the subject of an application. Members may make such site visits before the public meeting, or, the Board, in its discretion may vote to continue the hearing of an application to allow members an opportunity to perform a site visit. Observations on such site visits may form, in whole or in part, grounds for a decision of the Board. At no time shall more than two (2) members of the Board be present simultaneously during a site visit unless the site visit has been called as a public meeting and proper public notice as required by New Hampshire statutes has been given. Other than observations of the site, no evidence shall be taken; and there will be no discussions of the evidence or deliberations at such site visits.

Section 6.5 Change of Meeting Schedule

- A. Conflicts: In the event that normal meeting dates conflict with State or National holidays, or with other Town events, a new date will be posted at the Town Office Building and Town Library at least fourteen (14) days prior to the rescheduled meeting.
- B. Future Meetings: The time and place of a future meeting may be changed at any time by a vote in the affirmative by a quorum of the Zoning Board of Adjustment provided that absent members are notified of the change.
- C. Cancellation: Meetings may be postponed and/or cancelled by the Chairman if requested by an affirmative vote of a quorum of the Zoning Board of Adjustment provided that absent members are notified of the change.
- D. Special Meetings: Special meetings of the Zoning Board of Adjustment shall be called by the Chairman, or in her/his absence, the Vice-Chairman, or at the request of three (3) members of the Board, provided that public notice as required by New Hampshire statute is given specifying the purpose of the meeting, and notice to each member is given at least forty-eight (48) hours in advance of the time of such meeting.

Section 6.6 Quorum

Three (3) voting members shall constitute a quorum, including alternate members sitting in place of regular members. If only four (4) regular and/or alternate members are sitting on an application for a public hearing, the applicant may elect to postpone the public hearing to a future date when five (5) regular and/or alternate members are seated to vote. If an applicant chooses to proceed with less than five (5) members of the Board seated to vote, the fact that the decision, if adverse to the applicant, was made with less than five (5) members of the Board seated to vote, shall not be grounds for a Request for Rehearing or an Appeal.

Section 6.7 Disqualification of a Member

No member of the Zoning Board of Adjustment shall participate in deciding or shall sit upon the hearing of any matter which the Board is to decide if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law. Reasons for disqualification do not include knowledge of the facts involved gained in the performance of the member's official duties.

Where uncertainty arises as to the application of the above paragraph to a Board member in particular circumstances, the Board shall, upon the request of that member or another member of the Board, vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public hearing. Such a vote shall be advisory and non-binding and may NOT be requested by persons other than Board members, except as provided by local ordinance or by a procedural rule adopted under RSA 673:11.

If a member is disqualified or unable to act in any particular case pending before the Zoning Board of Adjustment, the Chairman shall designate an alternate to act in his/her place.

Section 6.8 Participation of Alternate Members

Alternate members may be seated as non-voting members at all meetings. An alternate member shall not vote on any matter before the Zoning Board of Adjustment unless designated by the Chairman to replace an absent regular member. When replacing a regular member, such alternate is required to continue with the agenda item until its completion and the regular member so replaced is not allowed to vote on that item, although participation in discussions is permitted.

Whenever a regular member of the Zoning Board of Adjustment is absent or disqualifies himself/herself, the Chairman shall designate an alternate, if one is present, to act in the absent member's place.

ARTICLE 7 **Hearings**

Section 7.1

At each regular meeting, the order of the proceedings shall be as follows:

- A. Call to Order and Quorum Check.
- B. Old Business.
Review of the minutes of the previous meeting, motions to amend the minutes, if any, and approval of the minutes.
- C. Swearing in of witnesses .The oath shall be administered by the Chairman, the

- acting Chairman or a Justice of the Peace sitting on the Board.
- D. Hearing of Cases.
 - (1) Post decision motions including Motions for Rehearing.
 - (2) Continued hearings.
 - (3) Tabled applications scheduled for hearing.
 - (4) New applications for appeal, variance, special exception or equitable waiver.
 - E. Communications to the Zoning Board of Adjustment.
 - F. Reports of Committees.
 - G. Adjournment.

Section 7.2

The conduct of public hearings shall be governed by the following rules:

- A. The Chairman shall call the hearing into session, and identify the owner of record, applicant, and agent. If an agent is appearing before the Board and the applicant is not present at the meeting, the Board must have written authorization from the applicant stating that the agent has been appointed to represent the applicant at the hearing. If neither the owner of record, the applicant nor a properly authorized agent is present at the hearing, the Board may vote to dismiss the application without prejudice, not to be refiled with the Board for a period of six (6) months.
- B. After discussion, and/or upon a motion by a member, the Chairman shall entertain a vote by the Board to dismiss without prejudice by a majority vote an application on the grounds that the application is one which has been refiled by the applicant where the application previously had been scheduled for hearing, the application was withdrawn by the applicant, written notification of the withdrawal of the application was not received by the Town Office within five (5) business days of the scheduled hearing and less than six (6) months have passed from the date of said previously scheduled hearing;
- C. After discussion, and/or upon a motion by a member, the Chairman shall entertain a vote by the Board to dismiss with prejudice by a majority vote an application on the grounds that the application is similar to an application that was previously denied by the Board unless:
 - (1) There has been a material change in circumstances since the previous denial of the application; or
 - (2) The application is materially different from the previously denied application.
- D. Regular members, alternate members and the Zoning Administrator may ask questions at any point during the presentation and during all testimony.

- E. After the presentation, any abutter or any person with a direct interest in the matter shall testify in person or in writing. Other persons may testify as permitted the Board at each hearing. Testimony given at hearing shall be subject to the following procedure:
- (1) Each person who speaks shall be required to state his/her name and address and indicate whether he/she is a party to the matter or an agent, counsel to a party to the matter;
 - (2) The Chairman shall call those in favor of the application to speak;
 - (3) The Chairman shall call those in opposition to the application to speak;
 - (4) The Chairman shall then allow those neither in favor of nor in opposition to speak;
 - (5) Other parties, such as representatives of Town Departments and other own Boards who have an interest in the application shall be allowed to present their comments in person or in writing;
 - (6) All written statements shall be read into the record by the Vice-Chairman or such other member of the Board as the Chairman may appoint;
 - (7) The owner, applicant or agent presenting the application may give rebuttal testimony and a summation.
- F. Applications are presented in the order in which they are listed in the public notice for the hearing; however, the Board, in its discretion, may decide by majority vote, to hear, deliberate upon and/or decide applications in a different order.
- G. The Chairman shall indicate whether the hearing of an application is closed, or adjourned (continued) pending the submission of additional material or information or the correction of noted deficiencies. In the case of a continuance, additional notice is not required if the date, time, and place of the continuation is made known at the adjournment.
- H. After the closing of hearing of all pending applications, the Board will begin public deliberations, after taking a recess if so voted by the Board. After deliberations, the Chairman shall entertain a motion from members of the Board for approval or denial of the application. All motions shall include findings of fact in support of the Board's determination. The Chairman shall also entertain motions for any conditions imposed upon the granting of an application or motions to defer the Board's decision. The Chairman shall then call for a vote of the seated members. A majority vote shall carry the motion. On an application for a variance, the majority must vote in favor on each of the five criteria in order for the motion to pass.

- I. All public hearing portions of the meeting shall be terminated by ten o'clock (10:00) PM except that a matter under consideration may proceed or be continued to another meeting as determined by a majority of the voting Board members present. Agenda items not yet considered may be considered or deferred to the next meeting as determined by a majority of the voting Board members present. The Board shall decide all cases that have been fully heard within fourteen (14) days of the close of the hearing.

Section 7.3 Standing Orders

The Zoning Board of Adjustment, pursuant to Article 10 hereunder, may vote to amend the Rules of Procedure by adopting and incorporating one or more Standing Orders as an addendum to the Rules of Procedure. Any application for a variance, special exception, administrative appeal or equitable waiver granted by the Zoning Board of Adjustment shall be subject to such Standing Orders. The Zoning Board of Adjustment, in voting on an application, may approve a motion to waive such Standing Orders as the Zoning Board of Adjustment may deem appropriate.

ARTICLE 8 Applications for Hearing

Section 8.1 Application Forms

Each application for an appeal from the decision of an administrative official, a variance, a special exception, or an equitable *waiver* shall be made in writing on the forms provided by the Zoning Board of Adjustment and shall be presented to the Recording Secretary of the Zoning Board of Adjustment who shall record the date of receipt over her/his signature. All forms prescribed herein and revisions of such forms shall be adopted by resolution of the Board.

The applicant shall provide the Recording Secretary with all information requested by the form provided by the Board, and any such additional information and data as may be required to apprise the Board fully of the nature of the application and of relief requested, whether or not such information is expressly called for by the form. No applications or appeals will be considered by the Board unless it is made on the form required, including the name of the owner and the name of the applicant, the location of the property including the tax map identification, the type of application being filed, the action desired by the applicant, the type of zoning district in which the property is located and the provision(s) of the Zoning Ordinance concerned. In addition, scale drawings with accurate measurements and dimensions of the subject area must be submitted with the application. Where set back is in issue, the applicant shall submit a certified plot plan showing the dimensions of the subject area. Applicants are encouraged to submit an electronic copy of their applications and all supporting documents in PDF format.

Section 8.2 Application Filing Deadlines

Appeals from an administrative decision taken under RSA 676:5 shall be filed within thirty (30) days of the decision except when the Zoning Board of Adjustment may vote to extend such appeal period for good cause shown and when the rights of interested parties will not be unduly prejudiced. (See also section 2.1)

Applications for the agenda of the next regular meeting of the Zoning Board of Adjustment shall be closed at 4:30 PM, eighteen (18) days before the scheduled meeting. Applications received after the eighteen (18) day deadline will be scheduled for hearing the following month on the regular meeting day of the Board.

Scheduled applicants wishing a postponement must notify the office of the Zoning Administrator within seven (7) working days before the meeting and must pay for notification of abutters of the change, failing which the application will not be heard for six (6) months from the date of the originally scheduled hearing except when the Zoning Board of Adjustment may vote to waive or reduce the six (6) month period for good cause shown and when the rights of interested parties will not be unduly prejudiced.

Section 8.3 Standing Orders

Copies of all Standing Orders that have been adopted by the Zoning Board of Adjustment shall be provided to applicants together with the hearing application form.

ARTICLE 9

Requests for Reconsideration and/or Rehearing

9.1 Grounds

A person directly affected by a decision of the Zoning Board of Adjustment may file a written request for reconsideration and/or rehearing with the Board to provide the Board with the opportunity to correct any errors it may have made in its original decision. Grounds for reconsideration and/or rehearing may include, but are not limited to, new evidence, additional legal arguments or evidence or law that was misapprehended or overlooked by the Board in its original decision.

9.2 Time Limits

A request for reconsideration or rehearing must be filed by the person aggrieved by the Board's decision within thirty (30) days of the Board's decision. The 30-day time period shall be counted in calendar days beginning with the date following the date upon which the Board voted to approve or to disapprove the application. (amended: September 20, 2005)

Within thirty (30) days of the timely filing of a request for reconsideration or rehearing, the Board, in a public session, shall vote to grant or deny the request for reconsideration or rehearing, or to suspend its earlier decision for further consideration.

9.3 Decisions

If the Zoning Board of Adjustment votes to grant a request for reconsideration or rehearing, the matter shall be scheduled for hearing at the next regularly scheduled meeting of the Board. At the conclusion of such hearing, the Board shall deliberate and vote on its decision to affirm, modify, condition or reverse its original decision. The Board may also vote, in its discretion, to continue the hearing for further study or to obtain additional information before making a final decision.

9.4 Notice of Decisions

Final written decisions will be placed on file and available for public inspection on the next day that the Town Offices are open to the public following the date of the Board's decision; and a decision shall be available for public inspection five (5) business days after the decision is made. A draft of minutes of all meetings, which draft shall be subject to review and amendment by the Zoning Board of Adjustment at its next regular meeting, including the names of Board members in attendance, persons appearing before the Board, and a brief description of the subject matter shall be open to public inspection five (5) business days after the public meeting.

ARTICLE 10

Records of the Zoning Board of Adjustment

All records of the Board shall be public records. The records of the Zoning Board of Adjustment shall be kept by the Recording Secretary and made available for public inspection at the Town Office Building in accordance with statutory requirements. The Recording Secretary to the Zoning Board of Adjustment shall keep a full and accurate record of the proceedings of all meetings by taped recordings and transcribed minutes on computer disk and on printed media. Tape recordings and computer disks shall be preserved for a period of six (6) years, and printed minutes shall be permanently preserved.

Final written decisions of the Board will be placed on file and available for public inspection on the next day that the Town Offices are open to the public following the date of the Board's decision; and a decision shall be available for public inspection five (5) business days after the decision is made. A draft of minutes of all meetings, which draft shall be subject to review and amendment by the Zoning Board of Adjustment at its next regular meeting, including the names of Board members in attendance, persons appearing before the Board, and a brief description of the subject matter shall be open to public inspection not more than five (5) business days after the public meeting.

ARTICLE 11

Rules of the Zoning Board of Adjustment

The Zoning Board of Adjustment shall adopt rules and regulations governing meetings, hearings, application procedures, fees, and other matters for the proper functioning of the Board. The Rules of the Board shall be a public record and shall be filed at the Town Office Building and shall be available for public inspection. At any meeting, the Rules of the Zoning Board of Adjustment may be waived, amended or revoked by affirmative vote of 4/5ths of the sitting members of the Board.

Whenever the Rules of the Zoning Board of Adjustment are, or may become, inconsistent with State laws relating to zoning and/or the Zoning Ordinance of the Town of Bedford, such State Laws or Ordinances shall govern.

**BEDFORD BOARD OF ADJUSTMENT
ADOPTION OF RULES OF PROCEDURE**

The Bedford Board of Adjustment hereby adopts Rules of Procedure for the Bedford New Hampshire Board of Adjustment on July 20, 2010. A duly authorized hearing was held on July 20, 2010 by the Bedford Board of Adjustment in the Bedford Meeting Room, 10 Meetinghouse Road, Bedford, NH.

Signed by:

James O'Neil, Chairman _____

Eric Bernard, Vice-Chairman _____

Sharon Stirling, _____

Bill Jean _____

Jim Scanlon, Town Council Representative _____

Date of Signature by Board of Adjustment – _____ 2011

Date filed with Town Clerk – _____ 2011

NOTE: The document with original signatures is on file with the Town Clerk.

Doc.id. 23097