

**ZONING  
BOARD OF ADJUSTMENT**

**TOWN OF BRISTOL, N.H.**

**BYLAWS**

**ADOPTED FEBRUARY 18, 1987  
REVISED SEPTEMBER 1989  
REVISED FEBRUARY 2000  
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REVISED JUNE 5, 2007**

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ZONING BOARD OF ADJUSTMENT  
TOWN OF BRISTOL, N. H.  
BYLAWS

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AUTHORITY

THESE BYLAWS ARE ADOPTED UNDER THE AUTHORITY OF NEW HAMPSHIRE REVISED STATUTES ANNOTATED 676:1 AND THE ZONING ORDINANCE AND MAP OF THE TOWN OF BRISTOL.

MEMBERS (REF. RSA 673:3)

THE ZONING BOARD OF ADJUSTMENT SHALL CONSIST OF FIVE (5) MEMBERS, AND NOT MORE THAN FIVE (5) ALTERNATES, WHO SHALL BE APPOINTED BY THE SELECTMEN AND SHALL BE A RESIDENT OF THE TOWN OF BRISTOL. MEMBERS SERVE FOR THREE (3) YEARS ON A STAGGERED BASIS.

OFFICERS (REF. RSA 673:8 & 9)

1. A CHAIRMAN SHALL BE ELECTED ANNUALLY BY THE BOARD AT THE FIRST MEETING FOLLOWING TOWN MEETING BY A MAJORITY VOTE OF THE BOARD. SAID CHAIRMAN SHALL SERVE FOR ONE YEAR AND SHALL BE ELIGIBLE FOR RE-ELECTION. SAID CHAIRMAN 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-CHAIRMAN SHALL BE ELECTED ANNUALLY BY THE BOARD AT THE FIRST MEETING FOLLOWING TOWN MEETING BY A MAJORITY VOTE OF THE BOARD. SAID VICE-CHAIRMAN SHALL SERVE FOR ONE YEAR AND SHALL BE ELIGIBLE FOR RE-ELECTION. 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. A CLERK SHALL MAINTAIN A RECORD OF ALL MEETINGS, TRANSACTIONS, FINDINGS OF THE BOARD, AND PERFORM SUCH OTHER DUTIES AS THE BOARD MAY DIRECT.

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ALTERNATES (REF. RSA 673:6 & RSA 673:11)

1. PROVISION SHALL BE MADE FOR THE APPOINTMENT OF NOT MORE THAN FIVE (5) ALTERNATES FOR A PERIOD OF THREE (3) YEARS.

2. AN ALTERNATE SHALL SERVE WHENEVER A REGULAR MEMBER IS UNABLE TO FULFILL HIS RESPONSIBILITIES.

3. (Deleted)

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 CHAIRMAN, SUCH CONDUCT SHALL BE PRESUMED TO BE NEGLIGENCE OF DUTY. AT THIS TIME THE BOARD MAY VOTE ON RECOMMENDING TO THE SELECTMEN THAT SUCH MEMBER BE REMOVED FROM OFFICE IN ACCORDANCE WITH THE PROCEDURES PRESCRIBED IN RSA 673:13.

MEETINGS (REF. RSA 673:10)

1. REGULARLY SCHEDULED MEETINGS SHALL BE HELD AT THE TOWN MUNICIPAL BUILDING, AT 7:00 P.M. ON THE FIRST TUESDAY OF EACH CALENDAR MONTH, UNLESS NECESSARY TO CHANGE.

2. OTHER MEETINGS MAY BE HELD ON CALL OF THE CHAIRMAN. NOTICE OF SUCH A MEETING SHALL BE PROVIDED TO EACH MEMBER OF THE BOARD BY TELEPHONE OR IN WRITING AT LEAST FORTY-EIGHT (48) HOURS IN ADVANCE, EXCLUDING SUNDAYS AND LEGAL HOLIDAYS. NOTICE TO THE PUBLIC SHALL BE PROVIDED AT LEAST FORTY-EIGHT (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).

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MEETINGS continued

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 REVERSE ANY ACTION OF AN ADMINISTRATIVE OFFICIAL OR TO DECIDE IN FAVOR OF THE APPLICANT ON ANY MATTER ON WHICH IT 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 CLERK.
- 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 CHAIRMAN, THE USUAL ORDER OF BUSINESS BY THE BOARD MAY BE CHANGED TO HOLD THE HEARINGS IMMEDIATELY AFTER THE ROLL CALL IN ORDER TO BETTER ACCOMMODATE THE PUBLIC.

PUBLIC HEARING (REF. RSA 676:1)

1. THE CONDUCT OF PUBLIC HEARINGS SHALL BE GOVERNED BY THE FOLLOWING RULES:

- A. THE CHAIRMAN SHALL CALL THE HEARING IN SESSION AND ASK FOR THE CLERK'S REPORT ON THE FIRST CASE.

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PUBLIC HEARING continued:

B. THE CLERK 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 OR NOT TO ACCEPT THE APPLICATION AS COMPLETE.

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 CHAIRMAN, 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 CHAIRMAN.

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 CHAIRMAN NOT LATER THAN TEN (10) DAYS PRIOR TO THE PUBLIC HEARING.

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PUBLIC HEARING continued:

M. THE BOARD OF ADJUSTMENT 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 CHAIRMAN 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 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 ZONING BOARD. PUBLIC HEARING RULES CONTINUE TO APPLY.

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/HALL NOT LESS THAN FIVE (5) DAYS BEFORE THE DATE FIXED FOR THE HEARING. SUCH NOTICE SHALL INCLUDE THE NAME OF THE APPELLANT, DESCRIPTION OF PROPERTY TO INCLUDE TAX MAP IDENTIFICATION, ACTION DESIRED BY THE APPELLANT, PROVISION OF THE ZONING ORDINANCE CONCERNED, THE TYPE OF APPEAL BEING MADE AND THE DATE, TIME AND PLACE OF THE HEARING.

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NOTICE OF PUBLIC HEARINGS continued:

1. THE APPELLANT AND EVERY ABUTTER SHALL BE NOTIFIED OF THE HEARING BY CERTIFIED MAIL STATING THE TIME AND PLACE OF THE HEARING, AND SUCH NOTICE SHALL BE GIVEN NOT LESS THAN FIFTEEN (15) DAYS BEFORE THE DATE FIXED FOR THE HEARING OF THE APPEAL (REF. BRISTOL ORDINANCE 5.2B. 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.

3. THE PRESENCE OF THE APPELLANT, OR HIS/HER AGENT, IS REQUIRED AT THE HEARING SET FOR CONSIDERATION OF THE APPELLANT'S REQUEST.

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 CLERK OF THE BOARD OF ADJUSTMENT, ON OR BEFORE THE FILING DATE OF EACH CALENDAR MONTH. THE CLERK SHALL RECORD THE DATE OF RECEIPT OVER HIS/HER SIGNATURE. AT EACH MEETING, THE CLERK SHALL PRESENT TO THE BOARD ALL APPLICATIONS RECEIVED PRIOR TO THE BEGINNING OF THE MEETING.

2. THE FILING DATE SHALL BE BY 4:30 P.M., TWENTY-ONE (21) DAYS BEFORE THE REGULARLY SCHEDULED MEETING. SATURDAYS, SUNDAYS, AND HOLIDAYS INCLUDED.

3. ALL APPLICATIONS SHALL BE SCHEDULED FOR A PUBLIC HEARING TO BE CONDUCTED WITHIN THIRTY (30) 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 THEREFOR.



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APPLICATIONS continued:

5. AN APPLICATION FEE TO THE BOARD OF ADJUSTMENT SHALL BE ACCOMPANIED BY:

A. ACTUAL COSTS OF NOTIFYING ALL ABUTTERS BY CERTIFIED MAIL.

B. ACTUAL COST OF THE PUBLIC NOTICE.

C. A TWENTY DOLLAR (\$20.00) APPLICATION FEE, \$30.00 ADVERTISEMENT FEE, AND \$7.00 ABUTTERS NOTICE FEE PER ABUTTER, INCLUDING APPLICANT.

D. FAILURE TO PAY SUCH COSTS IN ADVANCE SHALL CONSTITUTE VALID GROUNDS TO TERMINATE FURTHER CONSIDERATION AND TO DENY THE APPEAL WITHOUT A PUBLIC HEARING.

6. ALL FORMS PRESCRIBED SHALL BE ADOPTED BY RESOLUTION OF THE BOARD AND SHALL BECOME PART OF THESE BY-LAWS.

DECISIONS (REF. RSA 676:3)

NOTIFICATION OF A BOARD DECISION SHALL BE MADE ON A FORM PROVIDED BY THE BOARD (SEE ATTACHED APPENDIX A). THE NOTICE OF DECISION SHALL BE SENT TO THE APPLICANT, ADMINISTRATIVE SECRETARY, LAND USE OFFICER, FILED IN THE RECORDS OF THE BOARD AND MADE AVAILABLE FOR PUBLIC INSPECTION. IF THE APPLICATION IS NOT APPROVED, THE BOARD SHALL PROVIDE THE APPLICANT WITH WRITTEN REASONS FOR THE DISAPPROVAL WITHIN SEVENTY-TWO (72) HOURS OF MAKING ITS DECISION.

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 NINETY (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.

REHEARING (REF. RSA 677:2)

WITHIN THIRTY (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 BOARD OF SELECTMEN SHALL HOLD A REHEARING WITHIN THIRTY (30) DAYS AFTER RECEIPT OF THE PETITION. FOLLOWING THE REHEARING, IF IN THE JUDGMENT OF THE SELECTMEN THE PROTEST WARRANTS ACTION, THE SELECTMEN SHALL CALL A SPECIAL TOWN MEETING.

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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 OR NOT IT SHALL HOLD A JOINT HEARING OR MEETING.
3. THE CHAIRMAN 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 CHAIRMAN 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 CHAIRMAN 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.

AMENDMENT

THESE BYLAWS MAY BE AMENDED BY A MAJORITY VOTE OF THE MEMBERS OF THE BOARD PROVIDED THAT SUCH AMENDMENT IS READ AT LEAST ONCE AT THE MEETING IMMEDIATELY PRECEDING THE MEETING AT WHICH THE VOTE IS TO BE TAKEN. THESE BY-LAWS SHALL BE PLACED ON FILE WITH THE TOWN CLERK FOR PUBLIC INSPECTION.

\_\_\_\_\_  
(DATE)

\_\_\_\_\_  
CHAIRMAN, ON BEHALF OF THE  
ZONING BOARD OF ADJUSTMENT

APPENDIX A  
**NOTICE OF DECISION**  
BRISTOL ZONING BOARD OF ADJUSTMENT  
Town of Bristol, N.H.

Tax Map # \_\_\_\_\_ Lot # \_\_\_\_\_ File # \_\_\_\_\_  
Project: \_\_\_\_\_ Applicant: \_\_\_\_\_  
Address: \_\_\_\_\_

You are hereby notified that this application for  
\_\_\_\_\_ **VARIANCE** \_\_\_\_\_ **SPECIAL EXCEPTION**  
Relative to the tax map, lot # and information stated above, in the Town of Bristol, N. H.  
has been:

\_\_\_\_\_ **APPROVED**  
(or)  
\_\_\_\_\_ **APPROVED subject to condition (s) listed below:**

Condition (s) of approval:

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(or)  
\_\_\_\_\_ **REJECTED for the following reason (s):**

Reason (s) of rejection:

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Date of decision: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Chairman, Zoning Board of Adjustment

**Note:** Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty (30) days of the date on this notice. The necessary first step, before any appeal may be taken to the courts, is to apply to the Board of Adjustment for a rehearing. The motion for rehearing must set forth all the grounds on which you will base your appeal. (Ref. RSA 677:)