

**ARTICLE VI
ZONING BOARD OF ADJUSTMENT**

175-18. Appointment.

- A. **Appointment.** There shall be a Zoning Board of Adjustment appointed by the Town Council, consisting of five (5) members in accordance with Sec. 11.2. of the Town Charter and state law each serving a three-year term and three (3) alternates each serving a three-year term. Such terms shall be staggered. The Town Council shall fill any vacancy for the period of the unexpired term.
- B. **Disqualification of Board Member.** No member of the Zoning Board of Adjustment shall sit upon the hearing on any question which the Board is to decide in a judicial capacity who would be disqualified from any case, except exemption from service and knowledge of the facts involved gained in the performance of his official duties, to act as juror upon the same matter in any action at law.

175-19. Powers and Duties.

- A. The Zoning Board of Adjustment is hereby authorized and empowered to adopt such rules of organization and procedure as are necessary for the efficient administration and enforcement of this chapter. In addition, the Zoning Board of Adjustment shall have the following powers:
 - 1. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter.
 - 2. To authorize, upon appeal, in specific cases, such variance from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship and so that the spirit of the chapter shall be observed and substantial justice done.
 - 3. The Board shall hear and decide requests for special exceptions only when the granting of a special exception is specifically provided for in this chapter. No other special exceptions shall be granted. The request for the special exception and the Board's action on the request shall reference the specific section whereby the granting of the special exception is provided for in this chapter. Appropriate conditions may be placed on special exception approvals when necessary to meet the standards of this chapter.
 - 4. To hear and decide requests for equitable waivers of dimensional requirements as provided for in RSA 674:33-a.
- B. In exercising the above-mentioned powers, the Board may, in conformity with the provisions hereof, reverse or affirm, wholly or partly, or may modify the order, requirements, 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 officer from whom the appeal is taken.

- C. The concurring vote of three (3) voting members of the Board shall be necessary to reverse any action of such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to effect any variation in this chapter.

175-20. Meetings.

- A. A Chairman and clerk shall be appointed. The Chairman or, in his absence, the Acting Chairman may administer oaths and compel the attendance of witnesses.
- B. Meetings of the Board shall be held at the call of the Chairman and at such times as the Board may determine.
- C. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings in accordance with RSA 91-A as amended, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Town Office and shall be a public record.

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