

Town of New Ipswich



Zoning Board of Adjustments Rules of Procedure Handbook

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TOWN OF NEW IPSWICH ZONING BOARD OF ADJUSTMENT RULES OF PROCEDURE

Authority and Role

1. These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, [Chapter 676:1](#), and the zoning ordinance and map of the town of New Ipswich. Unless otherwise stated, or unless otherwise required by the context, any reference to a statute, law, regulation or ordinance in these Rules shall be deemed to include any future amendments made to such statute, law, regulation or ordinance.
2. The Zoning Board's role is usually quasi-judicial in that it generally reviews decisions made by another municipal agent or body or evaluates whether an applicant merits a particular waiver, exception or variance from the ordinary application of the municipal ordinances.

Amendments and Waivers

1. Rules of procedure may be amended by a majority vote at a regular meeting of the board provided that such new rules or amendments are proposed and discussed prior to the meeting at which the vote is to be taken and shall be placed on file with the town clerk and be available for public inspection pursuant to [RSA 676:1](#).
2. Any portion of these rules of procedure may be waived in such cases where, in the opinion of the board, strict conformity would pose a practical difficulty to the applicant and a waiver would not be contrary to the spirit and intent of the rules. The basis for any waiver granted by the Board shall be recorded in the minutes of the Board.

Powers and Duties

1. Appeal of Administrative Decision: Pursuant to [RSA 674:33,I\(a\)](#), [RSA 676:5](#), and Article XIV, B 1 of the New Ipswich Zoning Ordinance, hear an appeal taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer regarding the zoning ordinance.
2. Appeal to Building Code Board of Appeals: Pursuant to [RSA 674:34](#), hear appeals from a decision of the Code Enforcement Officer/Building Inspector based on the provisions of the Town's building code.
3. Special Exceptions: Pursuant to [RSA 674:33,IV](#) and Article XIV, B 2 of the New Ipswich Zoning Ordinance, make special exceptions to the terms of the zoning ordinance in accordance with the general or specific rules contained in the ordinance.
4. Variance: Pursuant to [RSA 674:33,I\(b\)](#) and Article XIV, B 3 of the New Ipswich Zoning

Ordinance, grant a variance from the terms of the zoning ordinance as will not be contrary to the public interest, if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

5. Equitable Waivers: Pursuant to [RSA 674:33-a](#), grant equitable waivers of dimensional requirements for existing violations.
6. Appeal of Decision of the Board - Request for Rehearing: Pursuant to [RSA 677:2](#) and Article XIV, C 3 of the New Ipswich Zoning Ordinance, grant a rehearing on a prior action of the Board,
7. Adoption of Rules of Administrative Procedure: Adopt Rules pursuant to [RSA 676:1](#) and Article XIV, A 2 of the New Ipswich Zoning Ordinance
8. Building on Class VI and (Some) Private Roads: Pursuant to [RSA 674:41](#) hear appeals from an administrative officer's decision regarding issues involving building on and the issuance of building permits on Class VI and some private roads.

The Board, directly and through their staff has a duty to act reasonably and provide assistance to applicants in understanding the technical and substantive procedures required by land use rules, ordinances and regulations leading to the making of ultimate decisions in an efficient, evenhanded and meaningful fashion. Such assistance will be given as best as is reasonable while fulfilling its obligation to treat fairly and equally both the applicant and abutters throughout the application review process. However the Board shall not render advisory opinions to citizens.

Officers

1. A Chairperson shall be elected annually by a majority vote of the board in the month of April. The Chairperson shall preside over all 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 by a majority vote of the board in the month of April. The vice-Chairperson shall preside in the absence of the Chairperson and shall have the full powers of the Chairperson on matters which come before the board during the absence of the Chairperson.
3. All officers shall serve for one year and shall be eligible for re-election.

Members and Alternates

1. In accordance with Article XIV, A-1 of the Zoning Ordinances, the Board of Selectmen shall appoint a Board of Adjustment consisting of five members and five alternates conforming in duties and authority to the provisions of chapters of the New Hampshire RSA's amended 672-677. Each new (including re-appointed) member shall be sworn in and take an oath of office as required by [RSA 42:1](#). The moderator, town clerk, one of the selectmen or a justice of the peace is authorized to administer the oath.

2. Members must reside in the community and are expected to attend each meeting of the board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the Chairperson as soon as possible. Members, including the Chairperson and all officers, shall participate in the decision-making process and vote to approve or disapprove all motions under consideration.

Alternate members should attend all meetings to familiarize themselves with the workings of the board to stand ready to serve whenever a regular member of the board is unable to fulfill his/her responsibilities.

It is strongly recommended that members attend training seminars sponsored by the NH Office of Planning & Development, the NH Municipal Association and other such opportunities. Approved educational expenses will be reimbursed by the Town. New members are encouraged to ask questions of the Land Use Staff and Board about matters they do not understand.

3. At meetings of the ZBA, alternates who are not activated to fill the seat of an absent or recused member or who have not been appointed by the Chair to temporarily fill the unexpired term of a vacancy, may participate with the board in a limited capacity. During a public hearing, alternates may sit at the table with the regular members and may view documents, listen to testimony, ask questions and interact with other board members, the applicant, abutters and the public. Alternates shall not be allowed to make or second motions. Once the board moves into deliberations, alternates shall remove themselves from the table and no longer participate with the board. During work sessions or portions of meetings that do not include a public hearing, alternates may fully participate, exclusive of any motions or votes that may be made. At all times, the Chair shall fully inform the public of the status of any alternate present and identify the members who shall be voting on the application.

Staff

Land Use Staff shall provide secretarial and administrative staff support functions for the Board, including but not limited to:

1. Provide assistance to and guide applicants and their representatives through the application and permitting process;
2. Application review and reporting;
3. Produce all required noticing;
4. Attend meetings, take notes and prepare minutes;
5. Produce board's notice of decision and facts of findings for applicant and for recording purposes;
6. Maintain an application case index;
7. Provide information to the Board as requested both during and outside of meetings and hearings;
8. Follow up on conditions of approval imposed by the Board;
9. Act as liaison for the Board to outside agencies and legal counsel;
10. Establish and maintain all necessary records, instructions, applications, forms and processes related to the duties of the Board and in compliance with these Rules and other applicable Statutes, Regulations and Ordinances;
11. Provide recommended amendments for these Rules and Fee Schedules;

12. Provide notice of educational opportunities to members;
13. Provide educational materials and information to members;
14. Provide updates to members on case and legislative law, industry standards, science and technology as applicable;
15. Administer income and expense accounts;
16. Maintain access to all applicable documents on the Town's website.

A member of the Land Use Staff shall be assigned by the Town Administrator to be the Land Use Clerk for the Zoning Board of Adjustments to perform the duties as outlined above.

Meetings

1. Regular meetings shall be held at the New Ipswich Town Office, at 7:00 p.m. on the first Thursday of each month. Other meetings may be held on the call of the Chairperson provided public notice and notice to each member is given in accordance with [RSA 91-A:2, II](#). The Chair may cancel or postpone a meeting as a result of weather, lack of applications, or other good reason.
2. Members shall make every effort to review materials provided to them in preparation of scheduled meetings and may also view subject sites prior to the meeting.
3. **Quorum:** A quorum for all meetings of the board shall be three members, including alternates sitting in place of members.
 - a. The Chairperson shall make every effort to ensure that all five members, and one or two alternates, are present for the consideration of any appeal or application. In order to best serve the needs of the applicant and to fulfill the obligations of the appointed position, members are expected to attend each meeting of the Board to exercise their duties and responsibilities. Any member unable to attend a meeting shall notify the Chairperson as soon as possible. The minutes of the Board shall record the names of all members attending each meeting.
 - b. If any regular board member is absent from any meeting or hearing, or disqualifies himself from sitting on a particular case, the Chairperson shall designate one of the alternate members to sit in place of the absent or disqualified member, and such alternate shall be in all respects a full member of the board while so sitting.
 - c. Alternates shall be activated on a rotating basis from those present at a particular meeting. When an alternate is needed, the Chair shall select the alternate who has not been activated for the longest time and if there are two or more alternates who meet that criteria, the alternate who has served the longest shall be activated. If two or more alternates still both meet that criteria, the selection shall be made by the flip of a coin.
 - d. If there are less than five members (including alternates) present, the Chair shall give the option to proceed or not to the applicant. Should the applicant choose to proceed with less than five members present, that shall not solely constitute grounds for a rehearing should the application fails.

- e. If the applicant opts to postpone due to less than a full board present, the board shall announce the time, date, and location of the continued hearing. If the board cannot determine the time, date, and location of the continued hearing, the board shall provide new notice to all parties pursuant to [RSA 676:7](#).

4. **Disqualification:** If any member finds it necessary to disqualify themselves from sitting in a particular case, as provided in [RSA 673:14](#), they shall notify the Chairperson as soon as possible so that an alternate may be requested to sit in his place. When there is uncertainty as to whether a member should be disqualified to act on a particular application, that member or another member of the board may request the board to vote on the question of disqualification. Any such request shall be made before the public hearing gets underway. The vote shall be advisory and non-binding.

Determining the threshold of disqualification can be difficult. To assist a member in determining whether or not they should step down (recuse themselves) board members should review the questions which are asked of potential jurors to determine qualification ([RSA 500-A:12](#)). A potential juror may be asked whether he or she:

- a. Expects to gain or lose upon the disposition of the case;
- b. Is related to either party;
- c. Has advised or assisted either party;
- d. Has directly or indirectly given an opinion or formed an opinion;
- e. Is employed by or employs any party in the case;
- f. Is prejudiced to any degree regarding the case; or
- g. Employs any of the counsel appearing in the case in any action then pending in the court.

Either the Chairperson or the member disqualifying himself/herself before the beginning of the public hearing on the case shall announce the disqualification. The disqualified member shall remove themselves from the table during the public hearing and during all deliberation on the case.

Communication between members on matters over which the Board has control shall also occur only in meetings held pursuant to [RSA 91-A:2, II or III](#).

Members may discuss applications and other matters with Land Use and other Town Department Staff and staff consultants pursuant to project review duties outside of noticed meetings and hearings.

5. **Order of Business:** The order of business for regular meetings shall be as follows, or modified as agreed to by the board:

- a. Call to order by the Chairperson.
- b. Roll call by the Chairperson.
- c. Welcome by Chairperson, appointment of voting body as necessary, explanation of meeting process.
- d. Review and acceptance/denial of new applications
- e. First public hearing, Board deliberation and action;

- f. Subsequent public hearings, Board deliberation and action;
- g. Minutes of previous meeting.
- h. Unfinished business.
- i. New business.
- j. Adjournment.

6. **Nonpublic sessions:** shall be held only in accordance with [RSA 91-A:3](#).

Applications

1. Each application for a hearing before the Board shall be made on the most current forms provided by the Land Use Office following the instructions attached thereto. Each application shall be presented to the Land Use Clerk of the Zoning Board who shall record the date over his or her signature. All physical evidence submitted to the Board will be retained by the Board as part of the record of the application. By signing the application the applicant authorizes members of the Board and/or staff to enter onto and view the premises for the purpose of understanding the request being made. The subject property must be clearly marked with the 911 street address to facilitate such views. At a minimum, the following shall be required:

- a. all required notification documents;
- b. filing, notification and Notice of Decision recording fees;

Additionally, and except as noted below, copies of all other required documents shall be submitted as part of a completed application package. The number of copies required shall be as noted on the application form.

- c. Completed most current application form.
- d. A survey, plot plan or accurate scaled drawing must be submitted showing the location and dimensions of all structures, property lines and other pertinent data, including adjacent streets and roads.

If the application is for dimensional relief, an “As-built survey” performed to detail the horizontal and vertical positions of the physical improvements of all or part of a tract, parcel or lot of land as defined in the [New Hampshire Code of Administrative Rules Lan 503.02 \(a\)](#) shall be submitted. The survey need only be made with enough detail to clearly delineate the area for which the dimensional relief is being sought. If the original-scale survey, plot plan or accurate scaled drawing is larger than 11”x17” both original-scale and reduced size copies (11x17) are required.

- e. Photos clearly showing the area of the property for which relief is being sought, including a photo showing the entrance to the property from the main road to facilitate locating the property for inspection purposes. The property street number must be easily seen from the main road.
- f. Copy of decision being appealed/denial or the determination by the zoning code enforcement officer that ZBA action is required.
- g. Copies of all required other agency permits (NH DES, NH DOT, etc.)
- h. Additional documentation shall be required as necessary as part of the application packet to obtain sufficient information for the Board’s review of the proposal

- i. All of the above applications and documents shall be provided to the Land Use Office in electronic format utilizing the templates available on the town's website.
2. Completed application packets shall be delivered during regular business hours to the Land Use Office where the application shall be date-stamped upon receipt. Completed applications are considered received for the purposes of scheduling on the date so stamped.
3. Except for Appeals of Administrative Decision, the closing date by which completed applications must be submitted to the Land Use Office is 14 calendar days prior to the meeting at which the application is to be addressed.

Applications for Appeal of Administrative Decision taken under [RSA 676:5](#) shall be filed within 30 calendar days of the decision.

The Board acknowledges the need for flexibility in working with applicants; however, it is paramount that significant items are not submitted in a tardy or incomplete fashion.

4. The Land Use Staff shall compile the Board's agenda based on completed applications received by the closing date. Applications received after closing date shall not be placed on agenda. Additional information being submitted in regards to an application already accepted by the board must be received at least 7 days prior to the scheduled date of meeting.
5. An application for appeal of administrative decision shall result in the status quo as to the use of the subject land being preserved. Any permit that is the subject of the appeal is deemed suspended and no construction or change of use can begin except to avoid imminent peril to life, health, safety, property or the environment. Such suspension shall not continue for subsequent appeals to Superior Court except by specific Court order.
6. Application forms and instructions shall be provided and revised as necessary by the Land Use Staff to meet the review needs of the Board.
7. All forms and revisions prescribed shall be adopted by resolution of the board and shall become part of these rules and procedures.

Notice and Notification

1. Public Notice shall occur in conformance with [RSA 676:7](#). The notice shall include the name of the applicant, description of property, tax map identification, action desired by the applicant, provisions of the Ordinance concerned, the type of appeal being made and the date, time and place of the meeting. Such notice shall be made not less than five clear calendar days before the date fixed for the hearing by publication in newspaper of local circulation; posted at the New Ipswich Town Office; and posted on the Town of New Ipswich website (www.newipswichnh.gov).
2. Certified Mail Notice shall be made not less than 5 clear calendar days before the date of the hearing to abutters and other entities identified in [RSA 676:7](#) and [RSA 672:3](#) and other entities included in the notification mailing instructions.

3. Notification shall also be made to applicable Town Boards, Commissions, Officials, Departments and other parties deemed by the Land Use Staff to have special interest.
4. The costs of all required notices must be paid for, in advance, by the applicant. Fees shall be indicated on the Town of New Ipswich non-refundable fee schedule.
5. Subsequent public notice is not required in the instance that a meeting or hearing is continued when the time and place of such continued meeting or hearing is announced at the time of continuance.

Site Visits

By their signature on the application, applicants authorize the Board and/or their staff to view the site for the purpose of evaluating the proposal. Members may view the site individually or together, however public notice must be given in accordance with [RSA 676:7](#) for any view at which a quorum of the Board will be present. Site views with a quorum of the Board are considered public meetings and the applicant and the public have a right to attend. Refusal by the applicant to allow entry of the Board and/or its staff or the entry of the public when the site view is a public meeting is grounds for the Board to deny the application without prejudice.

Public Hearing

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

- a. The Chair shall call the hearing in session and ask for the Land Use Clerk's report on the first case.
- b. The Chair shall appoint alternate members for the entire evening as necessary and explain the meeting procedures.
- c. The Chair shall inquire if any member or alternate requests to be disqualified, or if the applicant believes any conflict exists and make replacement alternate appointments for this hearing as necessary.
- d. The Chair shall read the application and report on how public notice and personal notice were given.
- e. In the instance of a reapplication, when the Board determines that a material change of circumstances affecting the merits of the applications has not occurred, or the application is not for a use that materially differs in nature and degree from its predecessor, or the application is not an attempt to deal with Board concerns raised in a previous application the Board may not lawfully reach the merits of the petition.
- f. The Board shall vote to determine if the development being the subject of the appeal has potential regional impact. If so, the Board must follow the statutory notice procedures set forth in [RSA 36:57](#). Additionally, any point during the public hearing the Board may act to change that determination if additional pertinent facts become known.
- g. In the instance where a full five-member voting Board cannot be seated, the Chair will offer the applicant the opportunity to proceed with a reduced Board, or to have the hearing postponed until the next regular meeting date, with the understanding that an affirmative vote of three members is required to decide in favor of any appeal and that action by a reduced Board is not, in and of itself, grounds for a rehearing.
- h. The applicant or his/her representative (authorized in writing) must attend the public hearing to present the application. If no one is present at the meeting to present the application, at the Board's discretion it may be tabled until the following meeting or may be denied without prejudice requiring the Applicant

to reapply. Applicants being represented by legal counsel and/or professional engineers shall communicate through their representative, unless otherwise requested by the Chair.

- i. Members of the board may ask questions at any point during testimony.
- j. The Chair will next open the hearing to other comment and questions. All comments and questions will be addressed to the Chair. 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, an abutter, a non-abutter with evidence that the proposal will have impact on his/her property, or interested citizen.
- k. Any member of the board, through the Chairperson, may request any party to the case to speak a second time.
- l. Any party to the case who wants to ask a question of another party to the case must do so through the Chairperson.
- m. Those appearing in favor of the appeal shall be allowed to speak, then those in opposition to the appeal shall be allowed to speak.
- n. The applicant and those in favor shall be allowed to speak in rebuttal, then those in opposition to the appeal shall be allowed to speak in rebuttal.
- o. To allow for the orderly function of the Board, the Chair may move that a time limit be set on individual speakers or when all debate shall end. Any motion to limit debate shall require a majority vote of the Board. The Board shall use the goal of ensuring that all who wish to be heard on an application are able to speak before the Board as their guide in determining whether to limit any debate.
- p. Other parties such as representatives of town departments, other town boards and commissions who have an interest in the proposal shall be allowed to present their comments in person or in writing anytime during the Board's consideration of an application.
- q. Absent members may provide written comments for Board consideration during the public hearing portion of the meeting. Such comments shall be forwarded to the Land Use Staff for transmittal to the Board.
- r. The Board may also receive advice from their Counsel. Unless such advice is disclosed wholly or in part during the public hearing, it is considered privileged and not subject to disclosure under [RSA 91-A](#) unless so voted by the Board.
- s. Written evidence related to any matter to come before the Board may also be submitted to the Land Use Office prior to the meeting by an abutter, a non-abutter with evidence that the proposal will have impact on his/her property, or interested citizen. Such evidence shall be submitted no later than the close of business hours 3 days prior to the meeting date and will be considered by the Board during the public hearing process.
- t. Any person who wants the board to compel the attendance of a witness shall present his request in writing to the Chairperson not later than 14 days prior to the public hearing.
- u. The board of adjustment will hear with interest any evidence that pertains to the facts of the case or how the facts relate to the provisions of the zoning ordinance and state zoning law.
- v. All additional physical evidence submitted by any party during the public hearing in the form of plans, drawings, pictures, correspondence, etc. shall be kept by the Board as part of the permanent record of the application.
- w. Public hearings may be tabled for additional information. Public hearings tabled to time certain do not require additional noticing.
- x. As authorized by [RSA 673:16](#), the Board may contract with outside review services or technical assistance at the cost of the applicant.
- y. The Chair may close a public hearing when there is no further testimony from the public,

when the public is out of order, or when testimony has become unduly repetitive.

Decisions

The Board may begin deliberation on the merits of the application at the close of the public hearing and act to approve, approve with conditions, deny the application, or defer its decision. The board shall decide all cases within 90 days of receipt of application.

Members may draw upon their own knowledge of certain factors in making ultimate decisions on proposals that come before them. Such factors may include, but not be limited to traffic conditions, surrounding uses, and their opinion of the probable impact of the proposed development on the surrounding neighborhood. However, Board members may not rely on factually unsupported conclusions in the face of uncontradicted contrary expert testimony.

Voting: Members shall participate in the decision making process and vote on all matters for which they are part of the voting body. Motions, seconds and votes may be made by any member or officer of the Board appointed as part of the voting body for that action. Once seconded the motion may be discussed and questioned as the Chair allows. Tie votes shall be taken as no action. An affirmative vote of three voting members is required 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.

The Chairperson may assign the task of drafting a motion to a board member who shall bring a draft motion to the board at the continuation of the deliberative portion of the meeting for the consideration of the board. Should a motion result in a tie vote or not receive the necessary 3 votes to decide in favor of the applicant, the opposite of the failed motion does not automatically prevail. The board must put forth a new motion to affirmatively set forth a decision.

Decisions are usually rendered by the Board at the same meeting at which the public hearing is completed. In some instances, decisions may be made at a later date. Decisions will be announced by the Chair at the time they are made.

Notice of the decision will be made available for public inspection within 5 business days, as required by [RSA 676:3](#), and will be sent to the applicant by mail. The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in [RSA 677:5](#) or [RSA 677:15](#), unless the court determines that there are other factors warranting the disapproval. The notice of decision shall also be given to the planning board, the board of selectmen, town clerk, property tax assessor, conservation committee, code enforcement officer, fire and police chiefs. In accordance with [RSA 676:3](#), whenever a plat is recorded to memorialize an approval issued by the board, the final written decision, including all conditions of approval, shall be recorded with or on the plat.

Within 30 days of a decision of the Board, the Board, by motion of a person in the majority, may vote for reconsideration of that decision.

Decisions of the Board continue in effect even when the land changes ownership. Approvals are subject

to expiration and can be abandoned. The Board is entitled to attach conditions to its grant of relief and any failure to comply with the same may constitute a violation.

Appeal of Decision of the Board – Request for Rehearing

Pursuant to [RSA 677:2](#), the Board of Selectmen, any party to the action or proceedings or any person directly affected by an order or decision of the Board may apply for a rehearing within 30 calendar days of the order or decision, exclusive of the day of the order or decision.

A completed Request for Rehearing application shall be made on forms provided by the Land Use Office and at a minimum, the following shall be required:

1. all required notification documents (to be returned if a Rehearing is not granted);
2. filing, notification and Notice of Decision recording fees (to be returned if a Rehearing is not granted);

Additionally, and except as noted below, multiple copies of all other required documents shall be submitted as part of a completed Request for Rehearing application (see application instructions).

3. a motion for rehearing setting forth fully all the grounds upon which it is claimed that the decision or order complained of is unlawful or unreasonable;
4. any supporting plans, pictures, documents or other evidence.

Within 30 days of receipt of a completed application for rehearing the Board shall:

1. grant the application; or
2. deny the application; or
3. request an extension of time to act on the application; or
4. suspend the decision complained of pending further consideration by the Board.

If the Board takes no action within the 30-day period, does not request an extension of time, and does not suspend the decision complained of pending further consideration by the Board it may be assumed that the motion has been denied.

Action by the Board on a Request for Rehearing shall occur at a public meeting but a public hearing is not required. New evidence is not a requirement for a rehearing. The Board may grant a rehearing motion if in its opinion good reason therefore is stated in the motion or to correct an error.

If granted, a public hearing will be held in accordance with the notice and procedural requirements set forth in these Rules.

The Zoning Board may expand the scope of the public hearing beyond that specified in the request for rehearing. The Board may consider the evidence provided in the application and during the public hearing. The Board has an opportunity to correct its own mistakes and is entitled to reconsider its prior ruling and make the same or a different decision for the same or different reasons. When the Board identifies new grounds for its initial decision, changes its initial decision and/or

makes new findings and rulings in response to the motion for rehearing, any party aggrieved by the new action must file a new motion for rehearing on all issues ruled upon to preserve them for appellate review.

If the request for rehearing is denied or the Board takes no action, the applicant may bring suit in the Hillsborough County Superior Court within 30 days of the date upon which the Board voted to deny the motion for rehearing.

Records

1. The records of the board shall be kept by the Land Use clerk and made available for public inspection at the New Ipswich Town Offices in accordance with [RSA 673:17](#).
2. Final written decisions will be placed on file and available for public inspection within 5 business days after the decision is made. The decision shall include specific written findings of fact that support the decision per [RSA 676:3](#)
3. Minutes of all meetings including names of board members, persons appearing before the board, and a brief description of the subject matter shall be open to public inspection within 5 business days of the public meeting. Minutes are considered to be in draft form and shall be so stamped until accepted by the Board at a subsequent meeting. Minutes so accepted are considered the official record of the meeting. Only members present at a meeting can vote on a motion to accept the minutes of that meeting. Minutes shall show the vote of each member upon every question, or if absent, disqualified, or failing to vote so indicate. Approved minutes must also be posted on the website in a consistent and reasonably accessible location, or a notice must be posted and maintained on the website stating where minutes may be reviewed and copies requested. [RSA 91-A:2 II](#)

Joint Meetings and Hearings

1. Pursuant to [RSA 676:2](#), the Zoning Board may hold joint meetings or hearings with other town "land use boards", including the Planning Board, Building Official, and Heritage Commission, at the request of an applicant or upon the initiative of one or more of the land use boards. Each board shall have discretion as to whether or not to hold a joint meeting with any other land use board.
2. Joint business meetings with any other land use board may be held at any time when called jointly by the Chairperson of the two boards, **only** under the following conditions:
 - a. The joint public hearing must be a formal public hearing on appeals to both boards regarding the same subject matter; and
 - b. If the other board is the planning board, [RSA 676:2](#) requires that the planning board Chairperson shall Chair the joint hearing. If the other board is not the planning board, then the Zoning Board Chairperson shall Chair the joint hearing; and
 - c. The provisions covering the conduct of public hearings, set forth in these rules, together with such additional provisions as may be required by the other board, shall be followed; and
 - d. Notice of a joint hearing shall be consistent with the rules of each land use board. The boards may require only one combined notice for abutters; and
 - e. The filing of decisions shall be done separately by each board according to its procedures and responsibilities; and

- f. The other board shall concur in these conditions.