

ZONING BOARD OF ADJUSTMENT

MINUTES

JUNE 15, 2011

A meeting of the Conway Zoning Board of Adjustment was held on Wednesday, June 15, 2011 at the Conway Town Office in Center Conway, NH, beginning at 7:34 pm. Those present were: Chair, Phyllis Sherman; Andrew Chalmers; Sheila Duane; Alternate, Cynthia Briggs; Alternate, Martha Tobin; Planning Director, Thomas Irving; and Planning Assistant, Holly Meserve.

APPOINTMENT OF ALTERNATE MEMBER

Ms. Sherman appointed Ms. Briggs and Ms. ~~Duane~~ **Tobin** as voting members.

PUBLIC HEARINGS

A public hearing was opened at 7:30 pm to consider a **VARIANCE** requested by **KVB ASSOCIATES LP/FAITH KNOWLES** in regard to §147.13.16.3.1 of the Conway Zoning Ordinance **to construct a paved tennis court within the 75-foot setback from a wetland** at 3548 White Mountain Highway, North Conway (PID 202-20). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 3, 2011.

Josh McAllister of H.E. Bergeron appeared before the Board. Faith Knowles was in attendance. Ms. Sherman read the application and the applicable section of the ordinance. Mr. McAllister stated that this would be a paved tennis court. Mr. McAllister stated that it encroaches 3.5 feet into the wetland setback, but he does not believe it is a valuable wetland. Mr. McAllister stated that it is a perennial stream that comes from a couple of different locations; Route 16 drainage, Dugway Road, and Dinsmore Road. Mr. McAllister stated that the wetland area now is dry, but a few weeks ago there was water rushing through it. Mr. McAllister stated that they have aligned the court to have the least amount of impact.

Ms. Sherman asked if there are any other structures on the site. Mr. McAllister stated that a grandfathered building was recently removed, but do want to rebuild on that footprint in the future. Mr. McAllister stated right now there is nothing else on this site. Ms. Briggs asked if they tried to take it out of the setback. Mr. McAllister stated that we have tried to mitigate all the setbacks and the layout proposed has the least amount of impact.

Ms. Sherman asked for public comment; Ms. Knowles stated that she has lived there all her life, and this is a seasonal spring. Ms. Knowles stated that she would loosely call it a wetland.

Ms. Sherman read item 1. **Ms. Duane made a motion, seconded by Mr. Chalmers, that the variance will not be contrary to the public interest.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 2. **Ms. Duane made a motion, seconded by Ms. Tobin, that the spirit of the ordinance is observed.** Ms. Sherman asked for Board comment; there was none. **Motion carried with Ms. Briggs voting in the negative.**

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Ms. Sherman read item 3. **Ms. Tobin made a motion, seconded by Ms. Duane, that substantial justice is done.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 4. **Ms. Duane made a motion, seconded by Ms. Briggs, that the values of surrounding properties are not diminished.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 5.a.i. **Ms. Tobin made a motion, seconded by Ms. Duane, that 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.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 5.a. ii. **Ms. Duane made a motion, seconded by Ms. Tobin, that the proposed use is a reasonable use.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Ms. Briggs, that based on i and ii above literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Ms. Tobin, that, based on the forgoing findings of fact, the variance from §147.13.16.3.1 of the Town of Conway Zoning Ordinance to construct a paved tennis court within the 75-foot setback from a wetland be granted. **Motion unanimously carried.**

A public hearing was opened at 7:30 pm to consider a **VARIANCE** requested by **KVB ASSOCIATES LP/FAITH KNOWLES** in regard to §147.13.8.4 of the Conway Zoning Ordinance **to construct a paved tennis court within the 10-foot side setback along PID 202-21 (Cabernet Inn)** at 3548 White Mountain Highway, North Conway (PID 202-20). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 3, 2011.

Josh McAllister appeared before the Board. Faith Knowles was in attendance. Ms. Sherman read the application and the applicable section of the ordinance. Mr. McAllister stated we are obtaining easements to maintain a 20-foot building setback on each lot. Mr. McAllister stated that they are attempting to meet the intent of the ordinance. Mr. McAllister stated that they have signed easements and will record them with the site plan. Ms. Briggs asked who is going to enforce it. Mr. Irving stated it is a private agreement and the Town will not enforce it.

Ms. Tobin stated those were the concerns she had. Ms. Tobin stated that it seems if you have signed documents then the neighbors are okay with it. Ms. Sherman asked for public comment; there was none.

Ms. Sherman read item 1. **Ms. Duane made a motion, seconded by Ms. Tobin, that the variance will not be contrary to the public interest.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

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Ms. Sherman read item 2. **Ms. Duane made a motion, seconded by Ms. Tobin, that the spirit of the ordinance is observed.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 3. **Ms. Duane made a motion, seconded by Ms. Tobin, that substantial justice is done.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 4. **Ms. Duane made a motion, seconded by Mr. Chalmers, that the values of surrounding properties are not diminished.** Ms. Sherman asked for Board comment; there was none. **Motion carried with Ms. Briggs and Ms. Tobin voting in the negative.**

Ms. Sherman read item 5.a.i. **Ms. Tobin made a motion, seconded by Ms. Duane, that 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.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 5.a. ii. **Ms. Duane made a motion, seconded by Ms. Tobin, that the proposed use is a reasonable use.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Ms. Tobin, that based on i and ii above literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Ms. Tobin, that, based on the forgoing findings of fact, the variance from §147.13.8.4 of the Town of Conway Zoning Ordinance to construct a paved tennis court within the 10-foot setback along PID 202-21 (Cabernet Inn) be granted. Motion unanimously carried.

A public hearing was opened at 7:30 pm to consider a **VARIANCE** requested by **KVB ASSOCIATES LP/FAITH KNOWLES** in regard to §147.13.8.4 of the Conway Zoning Ordinance **to construct a paved tennis court within the 10-foot side along PID 202-19 (Langford/Knowles)** at 3548 White Mountain Highway, North Conway (PID 202-20). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 3, 2011. Josh McAllister appeared before the Board. Faith Knowles was in attendance. Ms. Sherman read the application and the applicable section of the ordinance.

Ms. Sherman read item 1. **Ms. Duane made a motion, seconded by Ms. Tobin, that the variance will not be contrary to the public interest.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 2. **Ms. Duane made a motion, seconded by Ms. Tobin, that the spirit of the ordinance is observed.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

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Ms. Sherman read item 3. **Ms. Duane made a motion, seconded by Ms. Tobin, that substantial justice is done.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 4. **Ms. Duane made a motion, seconded by Mr. Chalmers, that the values of surrounding properties are not diminished.** Ms. Sherman asked for Board comment; there was none. **Motion carried with Ms. Briggs and Ms. Tobin voting in the negative.**

Ms. Sherman read item 5.a.i. **Ms. Tobin made a motion, seconded by Ms. Duane, that 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.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Sherman read item 5.a. ii. **Ms. Duane made a motion, seconded by Ms. Tobin, that the proposed use is a reasonable use.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Ms. Tobin, that based on i and ii above literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Ms. Sherman asked for Board comment; there was none. **Motion unanimously carried.**

Ms. Duane made a motion, seconded by Ms. Tobin, that, based on the forgoing findings of fact, the variance from §147.13.8.4 of the Town of Conway Zoning Ordinance to construct a paved tennis court within the 10-foot side setback along PID 202-19 (Langford/Knowles) be granted.

A public hearing was opened at 7:30 pm to consider a **SPECIAL EXCEPTION** requested by **EASTERN SLOPE INN VACATION OWNERSHIP TRUST** in regard to §147.13.14.3.4 of the Conway Zoning Ordinance **to allow a propane tank to remain in the Floodplain Conservation District** at 107 River Road, North Conway (PID 218-53). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 3, 2011.

Ms. Duane stepped down at this time. Sheila Duane appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Ms. Duane asked for this application to be continued as the tank may be moved. **Ms. Tobin made a motion, seconded by Mr. Chalmers, to continue the application for Eastern Slope Inn Vacation Ownership Trust until July 20, 2011. Motion unanimously carried.**

A public hearing was opened at 7:30 pm to consider a **VARIANCE** requested by **EASTERN SLOPE INN VACATION OWNERSHIP TRUST** in regard to §147.13.16.4 of the Conway Zoning Ordinance **to allow temporary vegetation removal within the wetland buffer for LP tank installation** at 107 River Road, North Conway (PID 218-53). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 3, 2011.

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Sheila Duane appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Ms. Duane asked for this application to be continued as the tank may be moved. **Ms. Tobin made a motion, seconded by Mr. Chalmers, to continue the application for Eastern Slope Inn Vacation Ownership Trust until July 20, 2011. Motion unanimously carried.**

A public hearing was opened at 7:30 pm to consider a **VARIANCE** requested by **EASTERN SLOPE INN VACATION OWNERSHIP TRUST** in regard to §147.13.16.3.1 and §147.13.16.4 of the Conway Zoning Ordinance **to allow the three existing brick paver patios to remain in the wetlands buffer and setback** at 107 River Road, North Conway (PID 218-53). Notice was published in the Conway Daily Sun and certified notices were mailed to abutters on Friday, June 3, 2011.

Sheila Duane appeared before the Board. Ms. Sherman read the application and the applicable section of the ordinance. Ms. Duane stated the patios were supposed to be the same size as the patios above, but figured they wouldn't fit the patio furniture. Ms. Duane stated that they are pavers with no footings; just patio blocks.

Ms. Sherman stated that there are only four members present and the applicant is entitled to a five member Board. Ms. Sherman asked if she would like to proceed with four members or continue the hearing until there is a five member Board present. Ms. Duane stated that she would proceed with four members.

Ms. Duane stated that the pavers will help keep the landscaping that is there healthier. Ms. Sherman asked if this is an increase of 380 square feet. Ms. Duane answered in the affirmative.

Ms. Sherman asked for public comment; Steve Hartmann stated there is no doubt what they have done looks good, but there has been a lot of build it first and ask for forgiveness afterward with this project. Mr. Hartmann stated that he is just curious to what will happen next. Ms. Duane stated there were things that came along that turned out that should have been granted approvals, but in this case she didn't think we were doing anything negative.

Mr. Hartmann stated that the whole property has been done this way. Ms. Duane stated it was a functional concrete block and she didn't think it was a structure; she made a mistake. Mr. Irving stated this is a structure by definition in our code and it is within the setback. Mr. Irving stated that it will be going back to the Planning Board as he cannot approve this administratively.

Ms. Duane stated that the wear pattern on the ground will be the same as if there were a paver there. Ms. Briggs stated they could use a product that is grass, but can be driven over. Mr. Irving stated that there are grass pavers. Mr. Irving stated in order to disturb this area and install it they would need to come before this Board again. Ms. Duane stated there are 23 acres of land that is within the floodplain and cannot be built upon. Mr. Irving stated the disturbance it would require to install grass pavers would cause more damage.

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Mr. Chalmers stated there has been no loam and seed in this area. Ms. Duane agreed. Ms. Briggs stated she thinks the applicant is over estimating the damage going to be done by the furniture. Ms. Sherman stated once the grass is established it is hard to damage, but it's getting it established.

Ms. Sherman read item 1. **Mr. Chalmers made a motion, seconded by Ms. Tobin, that the variance will not be contrary to the public interest.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously defeated.**

Ms. Sherman read item 2. **Ms. Tobin made a motion, seconded by Ms. Briggs, that the spirit of the ordinance is observed.** Ms. Sherman asked for Board comment; Mr. Chalmers stated that the spirit of the ordinance and the public interest are linked in that we are trying to protect the buffer of the wetland and this property has already been granted variances to be constructed in this setback. Mr. Chalmers stated that he thinks we have already contemplated what they can do with this location. **Motion unanimously defeated.**

Ms. Sherman read item 3. **Ms. Tobin made a motion, seconded by Ms. Briggs, that substantial justice is done.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously defeated.**

Ms. Sherman read item 4. **Ms. Tobin made a motion, seconded by Mr. Chalmers, that the values of surrounding properties are not diminished.** Ms. Sherman asked for Board comment; there was none. **Motion defeated with Ms. Tobin; Ms. Briggs; and Mr. Chalmers voting in the negative and Ms. Sherman voting in the affirmative.**

Ms. Sherman read item 5.a.i. **Ms. Tobin made a motion, seconded by Ms. Briggs, that 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.** Ms. Sherman asked for Board comment; Ms. Briggs stated that the purpose is to protect our water supplies. **Motion unanimously defeated.**

Ms. Sherman read item 5.a. ii. **Ms. Tobin made a motion, seconded by Mr. Chalmers, that the proposed use is a reasonable use.** Ms. Sherman asked for Board comment; there was none. **Motion unanimously defeated.**

Ms. Tobin made a motion, seconded by Ms. Briggs, that, based on the forgoing findings of fact, the variance from §147.13.16.3.1 and §147.13.16.4 of the Town of Conway Zoning Ordinance to allow the three existing brick paver patios to remain in the wetlands buffer and setback be granted. **Motion unanimously defeated.**

The Board realized that they missed a two items on the worksheet. **Ms. Briggs made a motion, seconded by Ms. Tobin to reconsider the final motion.** **Motion unanimously carried.**

Ms. Briggs made a motion, seconded by Ms. Tobin, that based on i and ii above literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. Ms. Sherman asked for Board comment; there was none. **Motion unanimously defeated.**

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Ms. Sherman read item 5.b. **Ms. Tobin made a motion, seconded by Ms. Briggs, that if the criteria in subparagraph a are not established, an unnecessary hardship will be deemed to exist, if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.** Ms. Sherman asked for Board comment; Ms. Tobin stated that the site has a reasonable use that exists. **Motion unanimously defeated.**

Ms. Briggs made a motion, seconded by Ms. Tobin, that, based on the forgoing findings of fact, the variance from §147.13.16.3.1 and §147.13.16.4 of the Town of Conway Zoning Ordinance to allow the three existing brick paver patios to remain in the wetlands buffer and setback be granted. Motion unanimously defeated.

FIRST READING OF THE ZONING BOARD OF ADJUSTMENT BYLAWS REGARDING ALTERNATE MEMBERS

Ms. Duane rejoined the Board again. Mr. Irving read the attached amendment to the bylaws. The Board agreed to hold the second reading of the Bylaws regarding Alternate members on July 20, 2011.

REVIEW AND ACCEPTANCE OF MINUTES

Mr. Chalmers made a motion, seconded by Ms. Sherman, to approve the Minutes of December 15, 2010 as written. Motion unanimously carried.

Ms. Tobin made a motion, seconded by Ms. Sherman, to approve the Minutes of April 20, 2011 as written. Motion unanimously carried.

Meeting adjourned at 8:03 pm.

Respectfully Submitted,



Holly L. Meserve
Planning Assistant

Chapter A153

Zoning Board of Adjustment Procedures

1. AUTHORITY

These rules of procedure are adopted under the authority of New Hampshire Revised Statutes Annotated, 1983, Chapter 676: 1, and the zoning ordinance of the Town of Conway.

2. OFFICERS

- a. A chairman shall be elected annually by a majority vote of the Board at the first scheduled meeting after the Annual Town Meeting. The chairman 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.
- b. A vice-chairman shall be elected annually by a majority vote of the Board at the first scheduled meeting after the Annual Town Meeting. The vice-chairman shall preside in the absence of the chairman and shall have the full powers of the chairman on matters that come before the board during the absence of the chairman.
- c. All officers shall serve for one (1) year and shall be eligible for reappointment.

3. MEMBERS AND ALTERNATES

- a. Members must reside in the community and they 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 chairman as soon as possible. Members shall participate in the decision making process and vote to approve or disapprove all motions under consideration.
- b. Up to five (5) alternate members shall be appointed, as provided for by the local legislative body, and 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. Alternates may ask questions during public hearings however they are not permitted to otherwise participate in discussions, deliberations, motions, seconds or votes unless they are appointed to replace an absent Board Member.

4. MEETINGS

- a. Regular meetings shall be held as necessary at the Conway Town Offices in Center Conway 7:30 pm, on the fourth Wednesday of each month. Other meetings may be held and/or locations may be used on call of the chairman provided public notice and notice to each member is given at least twenty-four (24) hours excluding Sundays and legal holidays prior to such meetings.
- b. Town staff shall provide technical assistance as well as maintain a record of all meetings, transactions and decisions of the Board.
- c. Quorum. A quorum for all meetings of the Board shall be three members, including alternates sitting in place of members. In the event that less than 5 ~~only three (3)~~ members are present, the applicant shall be offered the choice of having the appeal heard with the ~~three (3)~~ present members or to have the hearing continued until at least four (4) five (5) members can be present to hear the appeal.

RSA 674:33,111 provides that "...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 any appeal..." For this reason, the Board will make every effort to ensure that a full five-member board is present for the consideration of any appeal.

If any regular board member is absent from any meeting or hearing, or disqualifies himself from sitting on a particular case, the Chairman 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.

- d. Disqualification. If any member finds it necessary to disqualify himself from sitting in a particular case, as provided in RSA 673:14, he shall notify the chairman 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.

The disqualification shall be announced by either the chairman or the member disqualifying himself before the beginning of the public hearing on the case. The disqualified member shall absent himself from the board table during the public hearing and during all deliberation on the case.

- e. Order of Business. The order of business for regular meetings shall be as follows:
- i. Call to order by the chairman
 - ii. Public hearing(s)
 - iii. Minutes of previous meeting
 - iv. Unfinished business
 - v. New business
 - vi. Communications and miscellaneous
 - vii. Other business
 - viii. Adjournment

5. APPLICATION/DECISION

a. Applications.

- i. Each application for a hearing before the board shall be made on forms provided by the Board. Complete applications must be submitted to the Town at least twenty-one (21) days prior to the regular meeting at which the appeal shall be heard.
- ii. Additional information to be considered by the Board must be provided to the Town no less than seven (7) days prior to the meeting at which it is to be considered so town staff can forward that information to the Board no later than seventy-two (72) hours prior to said meeting.
- iii. Appeals from an administrative decision taken under RSA 676:5 shall be filed within thirty (30) days of the decision.
- iv. All forms and revisions prescribed shall be adopted by resolution of the Board and shall become part of these rules of procedure.

b. Public Notice.

- i. Public notice of public hearings on each application shall be given in the Conway Daily Sun and shall be posted at the Conway Post Office, the Center Conway post Office and the Town Offices not less than five (5) days before the

- date fixed for the hearing. Notice shall include the name of the applicant, description of property to include tax map identification, action desired by the applicant, provisions of the zoning ordinance concerned, the type of appeal being made and the date, time and place of the hearing.
- ii. Personal notice shall be made by certified mail to the applicant and all abutters not less than five (5) days before the date of the hearing. Notice shall also be given to the Planning Board, Town Clerk and other parties deemed by the board to have special interest. Said notice shall contain the same information as the public notice.
 - iii. Costs of all required notices must be paid for, in advance, by the applicant.
- c. Public Hearing. The conduct of public hearings shall be governed by the following rules:
- i. The Chairman shall call the hearing in session.
 - ii. The Chairman shall read the application and report on how public notice and personal notice were given.
 - iii. Members of the Board may ask questions at any point during testimony.
 - iv. 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.
 - v. Any member of the Board, through the Chairman, may request any party to the case to speak a second time.
 - vi. Any party to the case who wants to ask a question of another party to the case must do so through the Chairman.
 - vii. The applicant shall be called to present his appeal.
 - viii. Those appearing in favor of the appeal shall be allowed to speak.
 - ix. Those in opposition to the appeal shall be allowed to speak.
 - x. The applicant and those in favor shall be allowed to speak in rebuttal.
 - xi. Those in opposition to the appeal shall be allowed to speak in rebuttal.
 - xii. Any person who wants the Board to compel the attendance of a witness shall present his request in writing to the chairman not later than seven (7) days prior to the public hearing. All expenses incurred under this section for compelling the attendance of a witness shall be paid by the party or parties requesting that a witness be compelled to attend a meeting of the Board. Payment for compelling witnesses must be submitted to the Town not later than seven (7) days prior to the public hearing.
 - xiii. The Board 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.
 - xiv. The Chairman shall present a summary setting forth the facts of the case and the claims made for each side. Opportunity shall be given for correction from the floor.
 - xv. The hearing on the appeal shall be declared closed and the next case called up.
- d. Decisions. The Board shall decide all cases within fourteen (14) days. The Board will approve, approve with conditions, deny the appeal, or defer its decision. Notice of the decision or deferral will be made available for public inspection within seventy-two

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(72) hours, as required by RSA 676:3, and will be sent to all persons notified of the public hearing. If the appeal is denied or deferred, the notice shall include the reasons therefore.

6. RECORDS

- a. The records of the board shall be kept by town administrators and made available for public inspection at the Town Offices in Center Conway in accordance with RSA 673:17.
- b. Final written decisions will be placed on file and available for public inspection within seventy-two (72) hours after the decision is made. RSA 676:3.
- c. 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 one hundred and forty-four (144) hours of the public meeting. RSA 91-A: 2 II.

7. JOINT MEETINGS AND HEARINGS

- a. RSA 676:2 provides that the Board of Adjustment may hold joint meetings or hearings with other "land use boards," including the planning board, the building code board of appeals, and the inspector of buildings, and that each board shall have discretion as to whether or not to hold a joint meeting with any other land use board.
- b. Joint business meetings with any other land use board may be held at any time when called jointly by the chairman of the two boards.
- c. A public hearing on any appeal to the Board of Adjustment will be held jointly with another board only under the following conditions:
 - i. The joint public hearing must be a formal public hearing on appeals to both boards regarding the same subject matter; and
 - ii. If the other board is the Planning Board, RSA 676:2 requires that the planning board chairman shall chair the joint hearing. If the other board is not the planning board, then the Board of Adjustment Chairman shall chair the joint hearing; and
 - iii. 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
 - iv. The other board shall concur in these conditions.

8. AMENDMENTS

These rules of procedure may be amended by a majority vote of the members of the Board, provided that such amendment is read at two successive meetings immediately preceding the meeting at which the vote is to be taken.