

# Town Of Hudson NH

## BUILDING BOARD OF APPEALS

### **Authority:**

The Town of Hudson Building Code Board of Appeals (Board of Appeals) is hereby established by authority granted by New Hampshire Revised Statutes Annotated (RSA) 673.1(V), RSA 674:34, RSA 155-A:2, and the Building Code of the Town of Hudson.

All rules and procedures of the Board of Appeals are adopted under the authority granted by the New Hampshire Revised Statutes Annotated (RSA) 676: 1, RSA 155-4, and the Building Code of the Town of Hudson.

Codes referenced for use of appeals shall be the codes defined in RSA 155-A:1 as adopted by the State of New Hampshire.

## **BOARD MEMBERSHIP**

### **Membership of the Board**

The Board of Appeals shall consist of three (3) members nominated by the Board of Selectman of the Town of Hudson. The provisions of New Hampshire RSA 673:3 shall govern matters with respect to the Board of Appeals.

### **Qualifications of members:**

Each board member shall be a professional engineer, architect, builder, superintendent of building construction, licensed in the building trades, or such person qualified by education or experience, in the opinion of the Building Official and the Board of Selectmen of the Town of Hudson, to serve as a member or alternate of the Board of Appeals.

At no time shall there be more than one (1) member of the board selected from the same company.

*A member shall not hear an appeal in which that member has any personal, professional, or financial interest in accordance with RSA 673:14.*

### **Chair:**

The Board shall annually select one of its members to serve as Chair.

### **Vice-Chair:**

The Board shall annually select one of its members to serve as Vice-Chair.

**Secretary:**

The Board shall annually select one of its members to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings in the Office of the Building Official.

**Meetings and Hearings**

The Board shall meet a minimum of once annually to select members to serve as Chair, Vice Chair and Secretary.

The Board shall conduct hearings on an as needed basis.

**Absence of members;**

Official Meeting Requires all members present or the Meeting will be rescheduled.

**Compensation of Board of Appeals**

Members of the Board of Appeals shall serve without compensation.

**RULES OF PROCEDURE**

Application for Appeal Any person shall have the right to appeal to the Building Code Board of Appeals within thirty (30) days of the receipt of a written decision of the Town Building Official. An application for appeal shall be based on a claim that the true intent of the applicable code or the rules legally adopted there under have been incorrectly interpreted, the provisions of the code do not fully apply, or an equivalent form of construction or system can be used, or that the decision appealed from results in manifest injustice and is contrary to the spirit and purpose of the Building Code and the public interest.

**Appeals - How Filed**

Application for appeals to the Building Code Board of Appeals shall be filed in duplicate with the Town Administrator, who shall promptly forward one (1) copy to the Chair of the Board. The application shall clearly state the grounds for such appeal provided for in the Building Code as amended and shall be accompanied by a check or money order in the amount of one hundred & fifty dollars (\$150.00) and payable to the Town of Hudson, New Hampshire.

**Order of Business**

The Board shall adopt and make available to the public, through the Town Administrator, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall mandate that only relevant information be received.

**Notice of Meeting**

The Board shall meet upon notice from the Chair, or at stated periodic meetings.

**Open Hearing**

All hearings before the Board shall be open to the public. The appellant, the appellant's representative, the Building Official and any person whose interest are affected shall be given an opportunity to be heard.

### **Meeting Notification and Posting**

The Chair of the Board shall submit date and time of meetings to the Town Administrator for posting to the general public in accordance with RSA 91-A:2

### **Postponed Hearing.**

- \* When quorum is not present to hear an appeal.
- \* Inclement weather or states of emergency.
- \* At the meeting the appellant can ask that a meeting be postponed when a full board is not present.
- \* The appellant or their representative can postpone the meeting two days prior to a scheduled meeting. One meeting can be postponed without incurring any additional filing fees. Added postponements by the appellant will require additional filing fees.

\* Rehearing of a case shall be granted in accordance with RSA 677:3.

### **Procedure:**

- Meeting called to order.
- Roll call of members.
- Acceptance of previous meeting minutes.

### **Public Hearing.**

- Building Official outlines decision.
- Appellant rebuts Building Official's decision Rebuttal by the Building Official.
- Board discussion and decision.
- Should there be a need for a continuance, the Board shall reconvene within ten (10) business days.

### **Board Decision**

The Board shall uphold, modify or reverse the decision of the Building Official by a vote of the majority of members present.

Resolution Certified copies of the decision of the Board shall be furnished to the appellant and to the Building Official.

**Administration:** The Building Official shall take immediate action in accord with the decision