

Floor Amendment to HB 1359

1 Amend the bill by replacing sections 1 and 2 with the following:

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3 1 Abutters Rights to Appeal to the Board of Adjustment. Amend RSA 676:5, I to read as follows:

4 I. Appeals to the board of adjustment concerning any matter within the board's powers as  
5 set forth in RSA 674:33 may be taken by ~~[any person aggrieved]~~ **the applicant, an abutter as**  
6 **defined by RSA 672:3, any property owner in the municipality directly affected,** or by any  
7 officer, department, board, or bureau of the municipality affected by any decision of the  
8 administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules  
9 of the board, by filing with the officer from whom the appeal is taken and with the board a notice of  
10 appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith  
11 transmit to the board all the papers constituting the record upon which the action appealed from  
12 was taken.

13 2 Motion for Rehearing; Abutters; Board of Adjustment; Board of Appeals. Amend RSA 677:2  
14 to read as follows:

15 677:2 Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative  
16 Body Decisions.

17 Within 30 days after any order or decision of the zoning board of adjustment, or any decision of  
18 the local legislative body or a board of appeals in regard to its zoning, the selectmen, any party to the  
19 action or proceedings, ~~[or any person directly affected thereby]~~ **an abutter as defined by RSA**  
20 **672:3, or any property owner in the municipality directly affected thereby** may apply for a  
21 rehearing in respect to any matter determined in the action or proceeding, or covered or included in  
22 the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a  
23 board of appeals, or the local legislative body, may grant such rehearing if in its opinion good reason  
24 therefor is stated in the motion. This 30-day time period shall be counted in calendar days  
25 beginning with the date following the date upon which the board voted to approve or disapprove the  
26 application in accordance with RSA 21:35; provided however, that if the moving party shows that the  
27 minutes of the meeting at which such vote was taken, including the written decision, were not filed  
28 within 5 business days after the vote pursuant to RSA 676:3, II, the person applying for the  
29 rehearing shall have the right to amend the motion for rehearing, including the grounds therefor,  
30 within 30 days after the date on which the written decision was actually filed. If the decision  
31 complained against is that made by a town meeting, the application for rehearing shall be made to  
32 the board of selectmen, and, upon receipt of such application, the board of selectmen shall hold a

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- 1 rehearing within 30 days after receipt of the petition. Following the rehearing, if in the judgment of
- 2 the selectmen the protest warrants action, the selectmen shall call a special town meeting.