

# **GILMANTON ZONING BOARD of ADJUSTMENT**

## **INSTRUCTIONS TO APPLICANTS APPEALING TO THE BOARD OF ADJUSTMENT**

### **IMPORTANT: READ CAREFULLY BEFORE FILLING OUT ATTACHED APPLICATION.**

**The Board strongly recommends that, before making any appeal, you become familiar with the Zoning Ordinance, and also with the New Hampshire Statutes TITLE LXIV, RSA Chapters 672-677, covering Planning and Zoning. The office staff is available to help you.**

**A special exception is a permitted use provided that the petitioner demonstrates to the ZBA compliance with the special exception requirements set forth in the ordinance.**

**The application form is intended to be self-explanatory, but be sure that you show:**

WHO owns the property? If the applicant is not the owner, this must be explained and written authorization from the owner must be attached.

WHERE is the property located? Please provide specific directions as to how to get there as all properties may be visited by the ZBA and Conservation Commission. Please mark your property with a stake and cloth or surveyor tape at the top so we can identify your property easily.

DESCRIBE the property. Give area, frontage, side and rear lines, slopes and natural features, etc. Are there any streams, wetlands or flowing water?

WHAT do you propose to do? Attach sketches, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior applications concerning the property. If your application is for a new home, addition or other structure, please put stakes with cloth or tape at each corner of the proposed structure.

WHY does your proposed use require an appeal to the Board of Adjustment?

WHY should the appeal be granted?

PREPARE A LIST of all abutting property owners, have it verified at the Town office, and attach it to your application. If you have any difficulty, consult the assessor's office, but the accuracy of the list is YOUR responsibility. A list can be printed by utilizing the online tax maps.

ABUTTER: (RSA 672:3) "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

MAIL or DELIVER the completed application, with all attachments to the Community Development Department within the Selectmen's Office. Application should include 7 plan copies to scale, 1 digital copy of the plan, 3 mailing labels of each abutter including owner, applicant, and agent, and fees.

FEES for the application are \$85 plus \$8 per notice to the owner, applicant, agent, and abutters.

## **UPON RECEIPT OF YOUR PROPERLY COMPLETED APPLICATION**

- The Board will schedule a public hearing.
- Public notice of the hearing will be posted and printed in a newspaper, and notice will be mailed to you, to all abutters, and to other parties whom the Board may deem to have an interest, at least 10 days before the date of the hearing.
- You and all other parties are invited to appear in person or by agent or counsel to state reasons why the application should or should not be granted.
- After the public hearing, the Board will reach a decision.
- You will be sent a notice of decision.

YOU HAVE THE RIGHT TO APPEAL if you believe the Board's decision is wrong. The Selectmen, or any party affected, have similar rights to appeal the decision in your case.

- To appeal, you must ask the Board for a re-hearing, in the form of a letter to the Board.
- The letter must be made within 30 days of the Board's decision, and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a re-hearing if, in its opinion, good reason is stated in the letter.

The Board will not reopen a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so.

Whether or not a re-hearing is held, you must have requested one before you can appeal to the courts.

When a re-hearing is held, the same procedure is followed as for the first hearing, including public notice and notice to abutters. See RSA Chapter 677 for more detail on re-hearing and appeal procedures.

## **REFER TO ZONING ORDINANCE ARTICLE IX-B. SPECIAL EXCEPTIONS**

### Conditions for Approval:

1. The specific site is an appropriate location for such a use.
2. The use as developed will not adversely affect the neighborhood.
3. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
4. There will be no nuisance or hazard created.

## APPLICATION FOR A SPECIAL EXCEPTION

To: Zoning Board of Adjustment,

Town of Gilmanton

Do not write in this space.

Case No. \_\_\_\_\_

Date Filed \_\_\_\_\_

\_\_\_\_\_  
(signed - ZBA)

Name of Applicant \_\_\_\_\_

Address \_\_\_\_\_

Phone# \_\_\_\_\_ Email \_\_\_\_\_

Owner \_\_\_\_\_  
(if same as applicant, write "same")

Location of Property \_\_\_\_\_  
(Address) (Map & Lot number)

NOTE: This application is not acceptable unless all required statements have been made.  
Additional information may be supplied on a separate sheet if the space provided is inadequate.

### Application for a Special Exception

Description of proposed use showing justification for a special exception as specified in the  
zoning ordinance, article IX section B.2

\_\_\_\_\_

Explain how the proposal meets the special exception criteria as specified in article \_\_\_\_\_,  
section \_\_\_\_\_ of the zoning ordinance (list all criteria from ordinance).

Criterion 1 - \_\_\_\_\_

\_\_\_\_\_

Criterion 2 - \_\_\_\_\_

\_\_\_\_\_

Criterion 3 - \_\_\_\_\_

\_\_\_\_\_

Criterion 4 - \_\_\_\_\_

\_\_\_\_\_

Please provide the following information regarding the subject property:

1. Is the land, building or structure in question located on a Class V road? \_\_\_\_\_
2. What is the frontage of the lot? \_\_\_\_\_
3. What is the height of the structure? \_\_\_\_\_
4. Does the proposed construction involve the addition of any bedrooms to an existing home? \_\_\_\_\_
5. Is a septic system design approval from the NH Department of Environmental services necessary for the proposed construction? \_\_\_\_\_  
If so, what is the State approval number? \_\_\_\_\_
6. If property is vacant, please provide a description of the location, a neighboring house address, and/or the utility pole number on the subject property: \_\_\_\_\_  
\_\_\_\_\_

**If the previous questions are not answered completely, the applicant may be notified that this appeal could be rejected for lack of information.**

I understand that I must appear in person or be represented by my agent at the public hearing. The agent who represents me at this hearing must be familiar with the case and I agree to be bound by his or her testimony.

By signing this application, you as owner or applicant representing the owner, hereby give permission for any member of the Zoning Board of Adjustment or Conservation Commission, to enter onto the property in order to make a decision based on attributes of the property.

Applicant \_\_\_\_\_ Date \_\_\_\_\_  
(Signature)

Applicant \_\_\_\_\_ Date \_\_\_\_\_  
(Signature)