

# INSTRUCTIONS TO APPLICANTS APPEALING TO THE NEW IPSWICH ZONING BOARD OF ADJUSTMENT FOR A SPECIAL EXCEPTION

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

**The Zoning Board of Adjustments 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 - 678, covering planning and zoning.**

Certain sections of the Zoning Ordinance provide that a particular use of property in a particular zone will be permitted by special exception if specified conditions are met. The necessary conditions for each special exception are given in the ordinance. Your appeal for a special exception will be granted if you can show that the conditions stated in the ordinance are met. If you are applying for a special exception, you may also need site plan or subdivision approval, or both, from the planning board. Even in those cases where no planning board approval is needed, depending on the particular facts of your case, presenting a site plan to the planning board may assist in relating the proposal to the overall zoning.

For any appeal, the application form must be properly filled out. 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.

**WHERE** the property is located.

**DESCRIBE** the property. Give area, frontage, side and rear lines, slopes and natural features, etc.

**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.

**WHY** does your proposed use require an appeal to the board of adjustment?

**WHY** should the appeal be granted?

Once the application has been completed, the applicant should submit an application with the Zoning Board of Adjustments' Clerk at the Town Offices. Prepare a list of all abutting property owners and attach it to your application. If you have any difficulty, consult the clerk of the board, but the accuracy of the list is your responsibility. Mail or deliver the completed application, with all attachments, to the clerk. A fee is charged sufficient to cover the cost of preparing and mailing the legally-required notices. Make check payable to Town of New Ipswich and remit with your application. Failure to pay the required fee will result in denial of your application.

## **Fee Determination – As of August 2023**

Board of Adjustment Fee \$75.00

Newspaper Advertisement 75.00

Certified Mailings at \$ (\$ x # of abutters) **TBD**

Decision letters (\$ x # of abutters) **TBD**  
Additional expenses **TBD**  
Total payable to Town of New Ipswich **TBD**

The Board will promptly schedule a public hearing upon receipt of your properly completed application. Public notice of the hearing will be posted and printed in the Monadnock Ledger and shall be posted at the New Ipswich Post Office and Town Office no less than five days before the date fixed for the hearing. Notice will be mailed to you and all abutters, and to other parties whom the board may deem to have an interest, at least five days before the date of the hearing. You and all other parties will be invited to appear in person or by agent or counsel to state reasons why the appeal should or should not be granted.

After the public hearing, the board will reach a decision. You will be sent a notice of decision.

If you believe the board's decision is wrong, you have the right to appeal. The selectmen, or any party affected, have similar rights to appeal the decision in your case. To appeal, you must first ask the board for a rehearing. The Motion for Rehearing form may be found on the Town's website. The motion must be made within 30 days of the decision and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The board may grant such a rehearing if, in its opinion, good reason is stated in the motion. 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 rehearing is held, you must have requested one before you can appeal to the courts. When a rehearing 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 rehearing and appeal procedures.

# APPLICATION FOR A SPECIAL EXCEPTION

To: Zoning Board of Adjustments,  
Town of New Ipswich

<b>Do not write in this space.</b>
Case No. _____
Date Filed _____
_____
(signed – ZBA)

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

Address \_\_\_\_\_

Owner \_\_\_\_\_  
(if same as applicant, write “same”)

Location of Property \_\_\_\_\_  
(street, number, sub-division and lot number)

Do you own the property? Yes \_\_\_\_ No \_\_\_\_ If you are not the owner of the property, provide duly notarized documentary evidence that you are the owner’s authorized agent.

NOTE: Additional information may be supplied on a separate sheet if the space provided is inadequate.

The following information is the minimum requirement for acceptance of your application unless specifically waived by the Board:

1. Copy of Tax Map showing your property in relation to town/state roads and abutters.
2. List of all abutting property owners and other interested parties including addresses. The Assessors’ office will assist you with the list but the accuracy of the list is your responsibility.
3. A drawing prepared by a licensed land surveyor or registered professional engineer in the State of New Hampshire.

**Receiving Deadline:**

1. The closing date by which completed special exception 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.
2. Additional information being submitted in regards to an application already accepted by the board must be received at least 7 calendar days prior to the scheduled date of meeting.

**Application for a Special Exception**

Description of proposed use showing justification for a special exception as specified in the zoning ordinance, article \_\_\_\_\_ section \_\_\_\_\_

\_\_\_\_\_

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 - The specific site is an appropriate location for such use.

\_\_\_\_\_  
\_\_\_\_\_

Criterion 2 - The use as developed will not adversely affect the adjacent area.

\_\_\_\_\_  
\_\_\_\_\_

Criterion 3 - There will be no nuisance or serious hazard to vehicles or pedestrians.

\_\_\_\_\_  
\_\_\_\_\_

Criterion 4 - Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

\_\_\_\_\_  
\_\_\_\_\_

Criterion 5 - Such approval should be consistent with the intent of the Master Plan, after having given due consideration to recommendations received from the Planning Board, Conservation Commission and Board of Selectmen, within thirty (30) days of receipt of the petition by the Zoning Board of Adjustment.

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_

I certify that all information provided in this application is true and correct to the best of my knowledge.

Applicant \_\_\_\_\_ Date \_\_\_\_\_