

**NEW DURHAM ZONING BOARD OF ADJUSTMENT  
SPECIAL EXCEPTION APPLICATION**

Case No. _____
Date Filed _____
Received By _____

Name of Applicant:

\_\_\_\_\_

Applicant's Street Address with town and state:

\_\_\_\_\_

Mailing Address (If different)

\_\_\_\_\_

Preferred Telephone Number \_\_\_\_\_ Email \_\_\_\_\_

Property Owner: \_\_\_\_\_

*(If same as Applicant, write same)*

Street Address of property: \_\_\_\_\_

Map \_\_\_\_\_ Lot \_\_\_\_\_

Property Description to include frontage of lot; side and rear lines of lot; slopes and natural features of lot etc.:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Which Zoning District is the property located in?

- Town Center Mixed Use                       Residential, Agricultural, Recreational

Check all Overlay Districts that Cover Any Part of the Property:

- Aquifer Protection Overlay
- Conservation Focus Area District
- Shore Front Conservation Area
- Steep Slopes Conservation District
- Water Quality Protection
- Wetlands Conservation Overlay

## **INSTRUCTIONS FOR INDIVIDUALS APPEALING TO THE ZONING BOARD OF ADJUSTMENT for a SPECIAL EXCEPTION**

Applicants must be familiar with the latest revision of the New Durham Zoning Ordinance and the Procedural Rules for the Town of New Durham Zoning Board of Adjustment. Applicants should be familiar with New Hampshire Statutes RSA Chapters 672 – 677.

### **ALL APPLICANTS**

- Speak with the Land Use Administrative Assistant to determine if a review by the Planning Board should be completed prior to appealing to the Zoning Board of Adjustment.
- Ensure all requirements are met by using the appropriate checklist.
- Deliver completed application, attachments, and fees (checks payable to Town of New Durham) to the Land Use office at the Town Hall at least 21 days before the next scheduled ZBA meeting.
- A Public Hearing will be scheduled within 45 days of receiving a completed application.
- Any party affected by a decision has the right to appeal such decision by requesting a rehearing.

### **SPECIAL EXCEPTION**

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 stated in the Zoning Ordinance. A Special Exception will be granted if the Applicant shows that the proposal meets all of the conditions specified.

### **REQUESTING A REHEARING**

A motion for rehearing may be in the form of a letter to the Zoning Board of Adjustment and must set forth the reason the decision is believed to be unlawful or unreasonable. The motion must be made within 30 days of the decision being filed and available for public inspection.

The Zoning Board of Adjustment may grant a requested rehearing if it believes good reason is stated in the motion for rehearing. A case will not be reopened on the same set of facts unless an injustice would be created by not doing so. A rehearing must be requested prior to appealing to the courts. Rehearings follow the same Rules of Procedure as initial hearings.

### **Usual Costs**

Application Fee	\$ 25.00	Public Notice in Newspaper	\$ 75.00
Public Notice to ALL Abutters and Holders of Easements via Certified Mail	\$ 12.80 per Notice		
ZBA Decision sent to Applicant via Certified Mail	\$ 12.80		
ZBA Decision sent to Applicant's Representative via Certified Mail, if applicable	\$ 12.80 per Representative		
Registry Notice of Decision Page 1	\$ 12.00	Each Additional Page	\$ 4.00
Special Exception Requested	\$ 25.00 per Special Exception Request.		

**APPLICATION FOR A SPECIAL EXCEPTION**

What use are you requesting?

- \_\_\_\_\_ Camping Areas and Campgrounds \_\_\_\_\_ Commercial Use
- \_\_\_\_\_ Industrial Use \_\_\_\_\_ Utilities

A Special Exception is requested in accordance with Article \_\_\_\_\_ Section \_\_\_\_\_ of the Zoning Ordinance.

Provide a full description of the proposed use showing justification for the Special Exception.

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Facts supporting this request:

1. According to the "Land Use Suitability Map" what is the designation of the area in question?

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2. This special exception shall not cause undue hazards to:

A. The health of other individuals as evidenced by:

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B. The safety of other individuals as evidenced by:

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3. This special exception shall not diminish the property value of other land owners as evidenced by:

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4. This special exemption is not offensive to the public due to:

A. Noise as evidenced by:

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B. Vibration as evidenced by:

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C. Excessive traffic as evidenced by:

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D. Unsanitary conditions as evidenced by:

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E. Noxious odor as evidenced by:

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F. Smoke as evidenced by:

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G. Other similar reason as evidenced by:

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I, the undersigned Applicant, hereby certify that the information contained within this Special Exception Application is complete and accurate. I agree to pay, in full, all costs incurred by the Town of New Durham for engineering and or other professional services deemed necessary by the ZBA to obtain third party review and consultation during the review process.

Signature of Applicant or Agent: \_\_\_\_\_

Printed Name of Applicant or Agent \_\_\_\_\_

Date: \_\_\_\_\_

**AUTHORIZATION TO ENTER SUBJECT PROPERTY**

I, and my successors, hereby authorize members of the New Durham Zoning Board of Adjustment, Building Inspector and or Code Enforcement Officer to enter my property for the purpose of evaluating this application, including performing inspections during the application phase, post-approval phase, construction phase and occupancy phase. It is understood that these individuals must use all reasonable care, courtesy, and diligence when on the property.

Signature of Property Owner(s): \_\_\_\_\_

Printed Name of Applicant: \_\_\_\_\_

Date: \_\_\_\_\_

## ABUTTER'S LIST

Please list all abutters on the form provided with this application.  
List names and mailing address of all abutters or the holders of conservation, preservation or agricultural easements (pursuant to RSA 676:7). Include street numbers, street names and zip codes; Tax Map and Lots numbers (taken from the town tax records). This list is to be submitted with the application.  
Include abutters across the street, brook or stream on any lot line.

Map \_\_\_\_\_ Lot \_\_\_\_\_

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Map \_\_\_\_\_ Lot \_\_\_\_\_

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Map \_\_\_\_\_ Lot \_\_\_\_\_

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Add additional pages if needed.

## Application Check List for a Special Exception

- Application is on a form prescribed by the Board.
- The complete application has been submitted at least 21 days before the next meeting of the Board.
- Land Use Administrative Assistant or other Town Official has recorded the date of receipt over their signature.
- Application has all required sections completed.
- A completed form that is signed and dated by the applicant or their representative.
- A form signed by all property owners authorizing the representative to act on their behalf if an applicant's representative signs the application.
- A copy of the current Assessing Card.
- A list of all abutters, as defined by RSA 672.3., including Map, Lot and mailing addresses.
- A list of any holder of a conservation, preservation, or agricultural preservation restriction as defined in RSA 477:45 and their mailing address.
- Full size (minimum 22 inches by 34 inches) existing and proposed site plans with a bar scale of one (1) inch = 20 feet.
- Reduced sized (11 inches by 17 inches) site plan.

Plans shall contain, at a minimum:

- Locus Map with north arrow
- All buildings on the subject property and adjacent properties
- Property lines
- Map and lot numbers
- Right of Ways and easements
- All utilities, to include telephone, cable, fiber, conduit etc., regardless of being underground, above ground or overhead
- Septic tank, lines and field
- Wells and water systems

Setbacks:

- Building: sides, front and rear
- Septic
- Well and radius marking
- Shoreland
- Graveyards

- Building outlines and their overhangs and rooflines and related structures (ice decks, their material which is related to permeability/impermeability)
- Water Bodies and Wetlands

Hardscape and its material:

- Driveways
- Walkways
- Patios
- Roadways
- Walls
- Fences
- Drainage ways and related structures
- Tree line and individual large and or important site trees showing the changes in vegetative surfaces and resulting runoff
- General vegetation areas and groundcovers
- Contours

Table of existing versus proposed:

- Setbacks (front, rear, sides, water bodies, streams, septic system, etc.)
- Lot coverage (buildings, impervious surface)
- Building Height
- Frontage: Road and lake
- Legend
- Photographs of the property and all buildings on the property
- Building and floor plans of any new structures, if applicable
- Building profile, if applicable.
- 1 original copy of the application package for the official file and a sufficient number of additional packages (Currently = 6 copies) so all elected and alternate members of the Board have a complete application package
- Payment