

**NEW DURHAM ZONING BOARD OF ADJUSTMENT  
APPEAL FROM an ADMINISTRATIVE DECISION**

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 APPEAL FROM an ADMINISTRATIVE DECISION**

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.

### **APPEAL FROM AN ADMINISTRATIVE DECISION**

Any person aggrieved by any decision of an Administrative Officer may appeal the decision. The Applicant must follow the Zoning Board of Adjustment's Rules of Procedure, and comply with RSA 676 and RSA 677. An Appeal of an Administrative Decision must be made within 30 days of the date the decision is reached.

### **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**

Administrative Fee	\$100.00
Appeal from Administrative Decision Application Fee	\$150.00
Public Notice in Newspaper	\$150.00 to \$300.00
Public Notice to ALL Abutters, Applicant(s), Applicant(s) Representative, Identified Professionals Involved with the Property and Holders of Easements via Certified Mail	\$ 15.44 per Notice
ZBA Decision sent to Applicant(s), Applicant(s) Representative and Strafford County Registry of Deeds via Certified Mail	\$ 15.44 per Notice
Strafford County Registry of Deeds Notice of Decision	\$ 20.74 (up to 3 pages)
More than 3 pages – \$10 plus \$4 per additional page plus postage.	

## APPLICATION for an APPEAL OF AN ADMINISTRATIVE DECISION

Appeals to the ZBA may be made by any person aggrieved by any decision of an administrative officer. "Administrative Officer" means any official or board who, in New Durham, has responsibility for issuing permits or certificates under the ordinance, or for enforcing the ordinance. This may include a building inspector, fire inspector, board of selectmen, or other official or board. "Decision of the Administrative Officer" includes any decision involving construction, interpretation or application of the terms of the ordinance.

Date the Administrative Decision was reached: \_\_\_\_\_

Article \_\_\_\_\_ Section \_\_\_\_\_ of the Zoning Ordinance in question.

Decision of the Administrative Official to be reviewed:

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Explain why you feel that the Administrative Official made an error in applying or interpreting the zoning ordinance in a particular case.

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**An Appeal of an Administrative Decision must be made within 30 days of the date that the decision is reached.**

## **CERTIFICATION of APPLICATION and AGREEMENT TO PAY ALL COSTS**

I/We, the undersigned Applicant(s), hereby certify that the information contained within this Appeal of an Administrative Application is complete and accurate. I/We 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(s) or Agent: \_\_\_\_\_

Printed Name of Applicant(s) or Agent \_\_\_\_\_

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

## **AUTHORIZATION to ENTER SUBJECT PROPERTY**

I/We, 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 Applicant Owner(s): \_\_\_\_\_

Printed Name of Applicant(s): \_\_\_\_\_

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

## **AUTHORIZATION to SERVE AS APPLICANT(S) REPRESENTATIVE**

I/We \_\_\_\_\_ give  
\_\_\_\_\_ permission to serve as our agent and to represent us before the New Durham Zoning Board of Adjustment in reference to the attached application. Our agent may present our case and answer any questions for the Board or the public.

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

Printed Name of Applicant(s): \_\_\_\_\_

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

## PUBLIC NOTICE LIST

Please list all abutters on this form. 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 Administrative Appeal**

- ☐ Application is on a form prescribed by the Board.
- ☐ The complete application has been submitted within 30 days of the date that decision being appealed was made.
- ☐ Land Use Administrative Assistant or other Town Official has recorded the date of receipt.
- ☐ 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, including Map, Lot and mailing addresses.
- ☐ A list of any holders of conservation, preservation, or agricultural preservation restriction and their mailing address.
- ☐ A copy of all materials submitted to the administrative officer(s) that resulted in the decision being appealed.
- ☐ One original copy of the application package for the official file and a sufficient number of additional packages (Currently = 8 copies) so all elected and alternate members of the Board have a complete application package;
- ☐ Legal size (no. 10) envelopes with a return address of New Durham ZBA, PO Box 207, New Durham, NH and certified mail documents as pictured in Appendix A addressed to:
  - All abutters, as defined by RSA 672:3;
  - Any holder of a conservation, preservation, or agricultural preservation restriction as defined in RSA 477:45;
  - Identified professionals involved with the property (two envelopes for each professional);
  - All property owners (two envelopes for each property owner if not at the same mailing address); and
  - Strafford County Registry of Deeds.
- ☐ Any other materials the applicant feels are relevant to their request.
- ☐ All fees
- ☐ An electronic copy
- ☐ Payment