INSTRUCTIONS TO APPLICANTS APPEALING TO THE
NEW IPSWICH ZONING BOARD OF ADJUSTMENT FOR AN

APPEAL FROM AN ADMINISTRATIVE DECISION

IMPORTANT: READ CAREFULLY BEFORE FILLING OUT ATTACHED APPLICATION

The Zoning Board of Adjustment (ZBA) 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, www.gencourt.state.nh.us/rsa/html/indexes, covering planning and zoning.

If you have been denied a building permit or are affected by some other decision regarding the administration of the New Ipswich Zoning Ordinance, and you believe that the decision was made in error under the provisions of the ordinance, you may appeal the decision to the ZBA. The appeal will be granted if you can show that the decision is indeed made in error.

Once the application has been completed, the applicant should schedule an appointment with the ZBA to submit the completed application. A fee is charged sufficient to cover the cost of preparing and mailing the legally-required notices (see application). Make check payable to the Town of New Ipswich and remit with your application. Failure to pay the required fee will result in denial of your application.

The Board will schedule a public hearing within 30 days of receipt of the properly completed application. Public notice of the hearing shall be given in the Monadnock Ledger and shall be posted at the New Ipswich Post Office and at the Town Office not less than 5 days before the date fixed for the hearing. Notice will also be mailed to the applicant, all abutters and to other parties whom the Board may deem to have an interest, at least 5 days before the date of the hearing. The applicant 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 and all other parties to the case 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 may be in the form of a letter to the Board. The motion 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 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 AN APPEAL OF AN ADMINISTRATIVE DECISION
TOWN OF NEW IPSWICH, NH

TO BE COMPLETED BY APPLICANT

Name _____
Address _____
_____
Telephone # _____
Date _____
Property Location _____
Tax Map/Lot #_____

BOARD OF ADJUSTMENT USE

Case Number _____
Date Received _____
Fee Paid $_____ Date _____
Received by _____
Date Accepted _____
Hearing Date _____
Action Taken _____

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.

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

** Copy of tax map showing your property in relation to town/state roads and abutters.
** 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.
** Drawing prepared by a licensed land surveyor or registered professional engineer in the State of New Hampshire.

Decision of the enforcement officer to be reviewed (submit letter of refusal from enforcement officer:

_____
_____
_____

Article _____ Section _____ of the Zoning Ordinance in question:

_____
_____
_____

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

Applicant _____ Date _____
(Signature)

Fee Determination

Board of Adjustment fee	$50.00
Newspaper advertisement	$50.00
Certified Mailings ($ x # of abutters)	_____
Decision letters ($ x # of abutters)	_____
Additional expenses	_____
Total payable to the Town of New Ipswich	_____