

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 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/](http://www.gencourt.state.nh.us/rsa/html/indexes/), 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.

Once the application has been completed, the applicant should schedule an appointment with the ZBA to submit the 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 SPECIAL EXCEPTION  
TOWN OF NEW IPSWICH, NH

TO BE COMPLETED BY APPLICANT

BOARD OF ADJUSTMENT USE

Name \_\_\_\_\_  
Address \_\_\_\_\_  
\_\_\_\_\_  
Telephone # \_\_\_\_\_  
Date \_\_\_\_\_  
Property Location \_\_\_\_\_  
Tax Map/Lot # \_\_\_\_\_

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.

In order to act on your application, the Zoning Board of Adjustment must (1) understand why you need a special exception, (2) know where the property is located, (3) be provided with a description of the property (area, frontage, side and rear lines, slopes and natural features, etc.), and (4) clearly understand what you propose to do with the property (attach sketches, plot plans, pictures, construction plans, etc.). The following information is the minimum requirement 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.
- \*\* A drawing prepared by a licensed land surveyor or registered professional engineer in the State of New Hampshire.

Why should the appeal be granted? Provide facts to support your request in your response to the following questions:

A special exception is requested from Article \_\_\_\_\_ Section \_\_\_\_\_ of the Zoning Ordinance to permit (describe proposed use):

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The Zoning Board, in acting on an application for a special exception, shall take into consideration the following conditions and criteria.

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

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

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

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

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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.

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