

Zoning Board of Adjustment Town of Sandwich

To the Applicant:

Welcome to the Zoning Board of Adjustment (ZBA).

The Sandwich ZBA is made up of five (5) voting members and several alternate members who have been chosen by the Select Board of the Town. All members are residents of Sandwich. All members have taken an oath and expressed their intent to serve impartially, to take the time to familiarize themselves with each case, as well as to show a willingness to understand the process and governing statute(s).

The ZBA is a quasi-judicial board which hears appeals from any order, requirement, decision, or determination made by an administrative official of the Town involving zoning. The ZBA also administers special provisions in the ordinance dealing with variances and special exceptions.

The ZBA can grant variances, where justified, but it cannot amend zoning ordinances and does not enforce the ordinances. All meetings, discussions among members, and deliberative activities are open to the public and publicized as required under NH law.

Please review this packet carefully. Providing the ZBA with complete and essential information will ensure that your appeal will receive a full and thorough review and fair decision.

Mary C. Cove, Chair
Chris Grant, Vice Chair
James Bullitt
James Gaisser
Tim Miner
Jon L. Greenawalt, alternate
Kurt Olafsen, alternate
Geoff Tyson, alternate

Susan MacLeod, Secretary

Town of Sandwich
INSTRUCTIONS FOR APPLICANTS APPEALING TO
THE BOARD OF ADJUSTMENT

Please familiarize yourself with the *ZBA Rules of Procedure* as summarized here. A full copy of the rules is available on the Town website. It is the applicant's responsibility to show the Board that the specific request for relief meets the standards outlined in the Town Zoning Ordinance, applicable NH RSAs, and current NH law.

MOTION FOR REHEARING

If your appeal is denied by the Zoning Board, you may apply for a rehearing of the Board's decision. The Selectmen, or any *aggrieved* party affected, may also request a rehearing of the Board's decision. To appeal the decision, you must first ask the Zoning Board for a rehearing by completing the Motion for Rehearing form and attaching a letter to the Board stating the reason(s) supporting your motion for a rehearing. This motion must be made within 30 calendar days from the day of the Board's decision and must set forth fully and in detail all the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing only if, in its opinion, good reason is stated and substantiated in the motion. "Good Reason" might be a claim by the petitioner that a technical error has been made or that new evidence can be produced which was not available at the time of the first hearing. The Board will not re-open a case based on the same set of facts unless it is convinced that an injustice would be created by not doing so. When a rehearing is held, the same procedure as in the first hearing will be followed, including public notice and notice to abutters.

Following the Board's final decision after a Rehearing or if the Motion for Rehearing is denied, you have thirty (30) days in which to appeal to the Superior Court. However, no such Appeal may be taken unless you have first applied for a Rehearing to the Zoning Board. The only grounds for appeal the Court will hear are those set forth in your Motion for Rehearing.

SUBMISSION TIPS

Applications to the ZBA must be received 24 days prior to a ZBA meeting, the second Thursday of each month. Check for your deadline with Town Hall, on the website www.sandwichnh.org, or call 603-284-7701.

Complete the following pages for your appeal:

- Checklist and signature page.
- Agent page. If you are not the owner of the property, the owner must sign this to authorize you to serve as his or her agent. If your attorney or surveyor will speak for you or assist you at the hearing, you must authorize him or her.
- Abutters' List. The names and addresses should be those of the current owners as published in the Town of Sandwich tax records. Find these on the Town website in the Avitar records. Make sure you give the mailing address, not the physical address of the abutter. Include all properties that abut your property. The accuracy of the list is your responsibility. Under the Law all abutters must be notified of the hearing on your Appeal. Failure to include any abutter might invalidate the proceedings. Your list of abutters should include yourself, your agent if you have one, and any licensed professional whose stamp is on the plan. Include the holders of any conservation easements.
- Fee Schedule. Check that you included yourself and your agent!
- Letter requesting Motion for Rehearing

Submit Relevant Additional Pages

- Original application that was denied or granted and is being appealed

Mail or deliver **Eleven (11)** sets of completed Application forms and all attachments with the appropriate Fee to:

**Town of Sandwich
Zoning Board of Adjustment
PO Box 194
Center Sandwich, NH 03227-0194**

The Town office is open Monday-Thursday, 7:30 a.m. to 5:30 p.m.

Make checks payable to the Town of Sandwich.

When your application is received, the Land Use Secretary will schedule a public hearing. Public Notice will be mailed, via certified mail, to you and to all Abutters. Notice of the meeting will be posted at the Town Hall and Post Office(s) and on the Town website www.sandwichnh.org at least **10** days prior to the Hearing.

Hearing Procedures

You and/or your agent are expected to appear in person to state reasons why the Appeal should or should not be granted. If you do not appear, the case may be continued. Abutters or other interested parties may also participate in deliberations.

At the hearing, the Chair of the Zoning Board will ask members if they believe the case is complete and ready for consideration. The Chair will announce who will be voting members on the case. If there are not five members present to vote, the Chair will ask you whether you wish to proceed with only three or four members or if you would prefer to continue the case to another month.

If the case is accepted, the Chair will open the public hearing and invite you to present your case. Please summarize your case and then carefully address the specific questions posed by your particular type of application. Those questions are clearly set out in your application. The Chair will ask other members of the public to speak.

The Chair will close the public hearing. Members will deliberate. A decision will be made. You may be present during this part of the meeting although you may not speak. When a decision is made, you will be notified in writing of a Notice of Decision, a document that will be entered into your property file.

For more detailed requirements of the Law, see New Hampshire Revised Statutes Annotated Chapters 672 to 677, the Zoning Ordinance of the Town of Sandwich, and the policies and procedures of Zoning Board of Adjustment. This instruction sheet summarizes some of the required procedures but does not in any way replace any provisions of Law, Town Ordinance, or procedure requirements.

**Zoning Board of Adjustment
P.O. Box 194
Center Sandwich, NH 03227**

Motion for Rehearing

Applicant: _____

Mailing Address: _____

Owner: _____

Mailing Address: _____

Telephone: _____

Email: _____

If Applicant is the same as Owner write SAME, above. If not, you must complete an Agent Form, and include a statement of your vested interest.

Physical Address of Property:

Zoning District _____ Tax Map _____ Lot # _____ Lot Size _____

Shore Frontage _____ ft. Road Frontage _____ ft.

Provide a formal letter stating the reason(s) you are requesting a rehearing of case setting forth fully and in detail all the grounds on which it is claimed the decision is unlawful or unreasonable.

Administrative use only:

CASE #

Date Filed _____

Rec. by _____

Hearing Date _____

Decision _____

Decision Date: _____

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This Application is for Rehearing of ZBA Decision

The undersigned applicant hereby applies for the granting of said Variance, Special Exception, Relief from Administrative Decision, Request for Rehearing, or Equitable Waiver of Dimensional Requirements under penalties of perjury; I/we represent that to the best of my/our knowledge, the data and information submitted as part of this Application is true and correct.

The undersigned applicant hereby authorizes the Zoning Board of Adjustment Members and/or Town Staff to inspect the subject property for the purpose of evaluating this Application.

Signature of Applicant _____ Date _____

Signature of Owner(s) _____ Date _____

Signature of Owner(s) _____ Date _____

AGENT FORM

Complete this form if Applicant is other than the Owner of the property

Agent's Name _____ Phone _____

Mailing Address _____

Give a statement of your vested interest: (You may supply this statement on a separate sheet if additional space is necessary.)

Signature of Agent _____ Date _____

The undersigned Owner hereby authorizes the above-named agent to present this Appeal and furnish all required information and for Sandwich Zoning Board of Adjustment members and/or town staff to inspect the subject property for the purpose of evaluating this Appeal.

Signature of Owner _____ Date _____

ABUTTERS LIST

Name of Applicant: _____

Address: _____

(Location of property)

Tax Map # _____ Lot # _____ Zoning District _____

Address: _____

(Mailing)

ABUTTER means any person whose property adjoins or is directly across the street or stream from the land under consideration by the Zoning Board of Adjustment. For noticing purposes, it also includes the owner, applicant, any agent who may represent you, any licensed professional whose stamp is on the plan, and any easement holder. (RSA 672:3)

1. Name: _____ Tax Map No. _____ Lot No. _____

Address: _____

2. Name: _____ Tax Map No. _____ Lot No. _____

Address: _____

3. Name: _____ Tax Map No. _____ Lot No. _____

Address: _____

4. Name: _____ Tax Map No. _____ Lot No. _____

Address: _____

5. Name: _____ Tax Map No. _____ Lot No. _____

Address: _____

6. Name: _____ Tax Map No. _____ Lot No. _____

Address: _____

7. Name: _____ Tax Map No. _____ Lot No. _____

Address: _____

8. Name: _____ Tax Map No. _____ Lot No. _____

Address: _____

9. Name: _____ Tax Map No. _____ Lot No. _____

Address: _____

This Board is not responsible for the information supplied above. The most current property information is available at the County Registry's office or at www.sandwichnh.org under the Avitar assessing tab. Use a separate page as necessary to list all abutters.

FEE SCHEDULE

<u>Appeal</u>	<u>Fee</u>	<u>Amount Submitted</u>
Motion for Rehearing	\$50	\$ _____
 <u>Associated Fees</u>		
Letters to Abutters via Certified Mail	# of letters _____ x \$10.00	\$ _____
Public Hearing Newspaper Notice	<u>\$60.00</u>	\$ _____
	Total Due	\$ _____

Please note: Fees are set by the Board of Selectmen and may not be waived by the Zoning Board of Adjustment. Fees were last amended, 4/11/22

DISCLAIMER

Name of Applicant/Agent: _____

Physical Address _____

Mailing Address: _____

Tax Map # _____ Lot # _____ Zoning District _____

Signature of Applicant/Agent: _____

The Town of Sandwich, its employees, the Planning Board, and the Zoning Board of Adjustment are here to help an applicant through the process of applying for either a Site Plan Review, Boundary Line Adjustment, Subdivision of Property, Excavation Permit, Preliminary Consultation, Design Review, Scenic Road Tree Cut, Variance, Special Exception, or Appeal of an Administrative Decision, Equitable Waiver or Motion for Rehearing.

Town employees are not trained or licensed to give legal advice or to provide answers to any substantive questions (those requiring interpretation of the Town's Zoning Ordinance and/or Regulations).

There is no promise or guarantee for the outcome of an application, case or review. Land Use boards, the Planning Board and Zoning Board of Adjustment, meet in public and only make decisions at those public meetings.

The Town staff and the Land Use Secretary will gladly help with questions within these constraints. If you find that you need additional help to successfully complete the application process, please seek advice from a lawyer or surveyor.

Thank you for your understanding. We look forward to working with you.