

**TOWN OF WAKEFIELD
ZONING BOARD OF ADJUSTMENT
2 High Street
Sanbornville, New Hampshire 03872**

APPEAL OF ADMINISTRATIVE DECISION APPLICATION

You must have some form of determination that your proposal is not permitted. Most often this determination is a denial of a building permit. A copy of that determination **must be attached** to your application. You may make an appeal to the Zoning Board of Adjustment for a VARIANCE, an APPEAL OF ADMINISTRATIVE DECISION, a SPECIAL EXCEPTION, or an EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENT. Fees must be paid to start proceedings. You may request to be heard by a five-member Board. No postponement time will apply because of the inability of the Zoning Board to provide the applicant with a full five-member Board for the hearing on the application.

In an APPEAL OF ADMINISTRATIVE DECISION, a copy of the Administrative Decision you are appealing **must be attached** to the application.

PLAN OR SKETCH REQUIREMENTS
ZONING BOARD OF ADJUSTMENT

A plan or detailed sketch is required as part of your application and presentation of your application to the ZBA. Since a similar plan is usually necessary for a building permit application and for the Planning Board in a Site Review, that plan may serve both purposes. Although a hand-drawn sketch may be used, *it must be to scale, be detailed enough to provide dimensions of property, applicable structures and specific to the use or activity you intend and which is subject of the application.* The more information you provide on the plan or sketch, the better the Board will understand your appeal. This plan or sketch shall contain the following features, if relevant:

For all appeals seeking dimensional relief, a stamped, certified survey may be required. However, all plans submitted should include as much of the following information as is reasonable:

1. Submitted plans must be current and up to date.
2. Drawn to scale, with drawing number and north arrow.
3. Signature and name of the plan preparer.
4. The lot dimensions, bearings and any bounding streets and their right-of-way widths or half sections.
5. Location and dimensions of existing or required service areas, buffer zones, landscaped areas, recreation areas, safety zones, signs, rights-of-way, streams, drainage, conservation or other easements, wetlands, steep slopes.
6. All existing buildings or other structures with their dimensions including encroachments.
7. All proposed buildings, structures with their dimensions and encroachments indicating "proposed" on the plan for each.
8. All setback dimensions.
9. Elevations, curb heights and contours.
10. Location and numbering of parking spaces and lanes with their dimensions. Indicate how required parking spaces are computed.
11. Dimensions and directions of traffic lanes and exits and entrances.
12. Any required loading and unloading and trash and snow storage areas.

When your application is received, the Chairperson will determine if it is completed enough to proceed; then the Board will schedule a public hearing. A Public Notice of the hearing will be posted in a newspaper, and notice will be mailed to you and to all abutters and other parties whom the Board may deem to have an interest at least five days before the date of the hearing. You 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 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 re-hearing. The **motion for a rehearing** may be in the form of a letter to the Board. The motion **must be made within twenty days of the Board's decision**, and must set forth fully every ground upon which it is claimed that the decision complained of is unlawful or unreasonable." The Board may grant such a re-hearing if, in its opinion, good reason is stated in the motion. 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. Whether or not a re-hearing is held, **you must have requested one before you can appeal to the courts.** When a re-hearing is held, the same procedure as in the first hearing will be followed, including public notice and notice to abutters. See RSA Chapter 677 for more details on re-hearing and appeal procedures.

You must also prepare and provide a list of all abutting property owners and attach a copy to your application. You must prepare **four sets of mailing labels** for the abutters, owners, and Association if your property is in an Association Subdivision. A tool on the town's website, www.wakefieldnh.com, can create the abutters' list for you. Click on the "Maps" button on the website's home page, type in the address or Map and Lot numbers in the search bar, click on the owner and address listing, and then click on the round icon with the three houses on it. A list of abutters' map and lot numbers will appear. Click on the round document icon, and the option to print a Mailing Labels PDF will appear. Click on that, and a list of label-ready abutters will pop up, ready to print on standard Avery Address Labels 5160 or a generic brand with a similar layout.

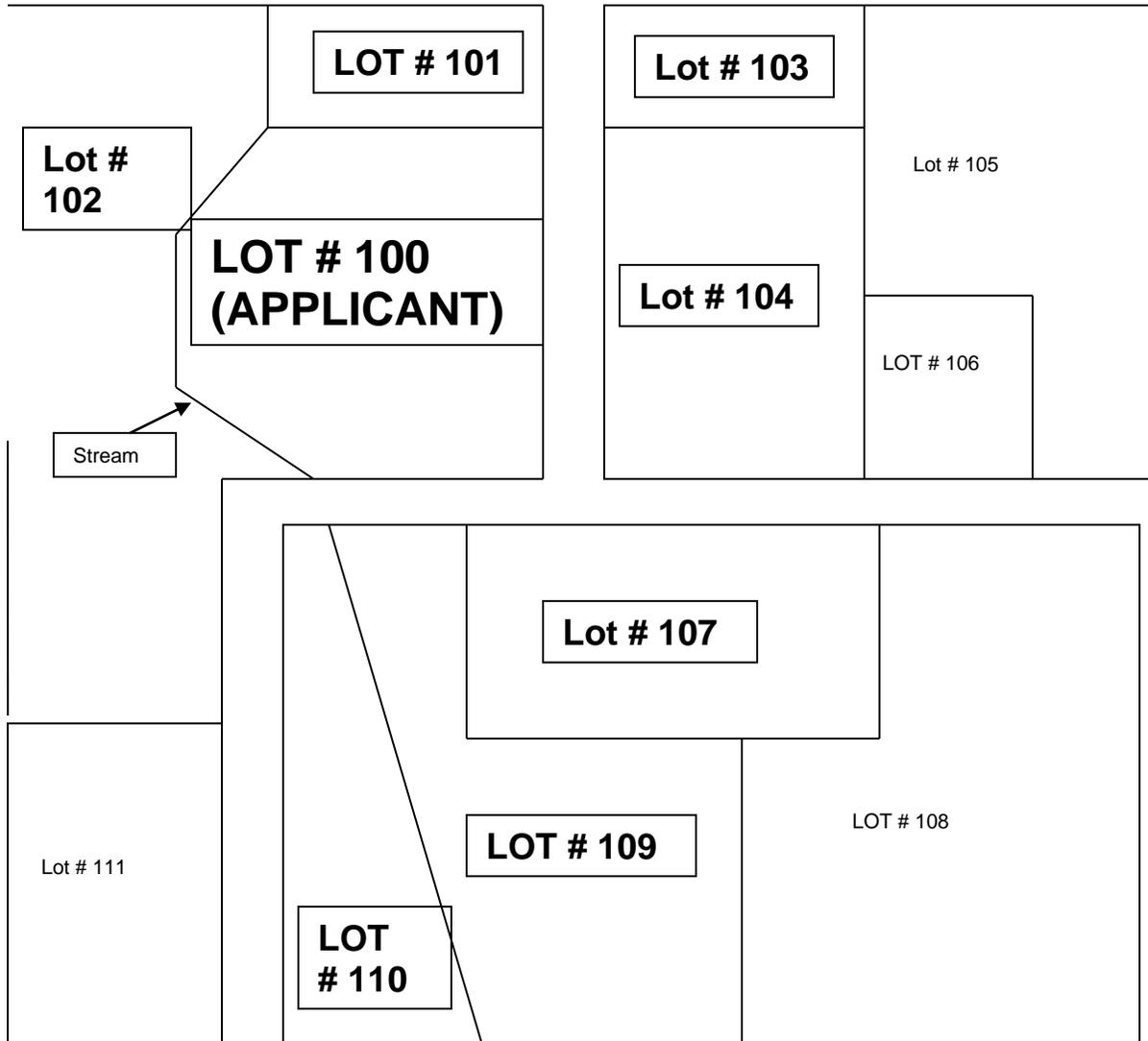
NOTE: The abutters list must be current, with names and addresses being no older than 5 days prior to the date of the Variance Application.

Once your application is complete, you may either deliver the completed application, together with attachments, to the office of the Board of Selectmen or send the application by mail to the Clerk, Zoning Board of Adjustment, together with the following fees:

- **Application Fee - \$125.00**
- **Public Notice Fee - \$125.00, to include newspaper notice.**
- **Certified Mail Fee – Based on current U.S. Postal Service rates per notice for each applicant, each agent for applicant, each attorney for applicant, each abutter and each interested party entitled to notice under New Hampshire Law. *Please check with Land Use Clerk for current postal rates.***

Note: The applicant shall pay for all additional fees for public notice and certified mail as may be required by the Board's Rules of Procedure.

The total check or money order must be made payable to the Town of Wakefield and must be paid in full at the time of filing your application.



AN ABUTTER IS DEFINED AS ANY PROPERTY EITHER **DIRECTLY ADJACENT TO, DIAGONALLY ACROSS FROM, OR ACROSS THE STREET OR STREAM FROM** THE PROPERTY IN QUESTION. IN THE EXAMPLE ABOVE, WITH THE LOT IN QUESTION BEING **#100**, THE ABUTTERS WOULD BE THE FOLLOWING: **101, 102, 103, 104, 107, 109 AND 110.**