



SPECIAL EXCEPTION APPLICATION TO THE PELHAM ZONING BOARD OF ADJUSTMENT

Instructions to Apply:

1. If you are unable to meet the requirements of the Zoning Ordinance;
Have been denied a building or occupancy permit; or,
Required by the Zoning Ordinance to appear before the Board for review of your activity,
Then you must file a written application.
2. Applications shall be completed and returned to the Planning Assistant in the Planning Department at the Pelham Town Hall
3. Applications are not considered filed until they have been reviewed by the staff and the appropriate fees have been received.

APPLICATION MUST INCLUDE:

1. All forms completed and signed.
2. Original application form, and all supporting documents and/or plans must be put in order, in sets. The originals plus **11 SETS** must be submitted to process the application. Copies of instruction pages do not need to be included in the submission, those are for the applicant's information only. Please do not staple anything together. Plans should not be any larger than 11" x 17" (if details are too difficult to read, please submit at least 3 full size plans separate from sets)

FEES: (3 SEPARATE CHECKS REQUIRED FOR BOOKKEEPING PURPOSES)

- \$25 Application Filing Fee
- \$10 Per Abutter for notification via Certified Mail
- \$75 Advertising fee to cover the cost of publishing the Notice of Hearing and Notice of Decision. (Any monies not utilized for advertising will be refunded to the applicant.)

* All checks made payable to: **TOWN OF PELHAM**

PLOT PLAN

1. **11 COPIES REQUIRED OF PLOT PLAN – DRAWN TO SCALE** submitted with the application. Plans certified by a Registered Land Survey may be required.

Plot Plan to include:

- Building locations
- Proposed changes
- Distances to all lot lines from the buildings
- Location of well, septic tank and any other lot features.

OTHER SUPPORTING DOCUMENTATION

1. Previous decisions made by the Board of Adjustment regarding this parcel of property.

LIST OF ABUTTERS

1. Applicant must provide a list, by Map and Lot, of all abutters adjoining and within 200 feet of any part of the property in question. **The abutters list must be obtained from the Assessing Department** for current and accurate owner names and mailing addresses. Please do not use any other means of obtaining owner information, and please do not rely on personal knowledge of property owners.
2. Submit (3) three mailing labels for every abutter, to also include applicant and any other involved party (engineer, surveyor, etc.) Please use standard mailing labels such as Avery 8160, or equivalent (1" x 2 5/8"), typed is preferable but hand-written are acceptable.

BOARD OF ADJUSTMENT SCHEDULE:

1. Meets the second Monday of every month.
2. Application must be received **twenty-one (21) days prior** to the Board of Adjustment meeting in order to be placed on the agenda for that month.
3. Your abutters will be notified by certified mail ten (10) days prior to the public hearing date.
4. A site review may be made by the Board members prior to the meeting.
5. At the public hearing, the Board will hear testimony, receive evidence, and approve/deny your request, or request additional information.
6. Once the decision is rendered, **THERE IS A 30 DAY APPEAL PERIOD. NO PERMITS WILL BE ISSUED WITHIN THIS PERIOD.**

7. If an appeal has been made regarding the decision made by the Board, the Board is required to decide whether there is adequate reason to rehear the case within ten (10) days after the thirty (30) day appeal period. If the request for rehearing is granted, no permits will be issued until the rehearing and the thirty (30) day appeal period is abided by.



APPLICATION TO BOARD OF ADJUSTMENT

To: Board of Adjustment,
Town of Pelham

Do not write in this space.

Case No. _____

Date filed _____

(signed - ZBA)

Name of applicant _____

Address _____

Owner _____

(if same as applicant, write "same")

Phone Number _____

Location of property _____
(street, number, sub-division & lot number)

NOTE: This application is not acceptable unless all required statements have been made.
Additional information may be supplied on a separate sheet if the space provided is inadequate.

APPLICATION FOR A SPECIAL EXCEPTION

Description of proposed use showing justification for a special exception as specified in the Zoning Ordinance Article _____ Section_____

The following sections are for a SPECIAL EXCEPTION application **ONLY**.

Does the request meet the following conditions:

1. The use requested is listed as being permitted by special exception in Table 2 or elsewhere in this Ordinance, for the district in which the use is requested;

2. The proposed use is consistent with the purpose and intent of the district within which it is proposed to be located;

3. The proposed use meets all other applicable requirements under this Ordinance,

4. The proposed use is compatible with the character of the surrounding neighborhood or area

Does the request meet the following criteria:

1. The occupation is clearly secondary and subordinate to the primary residential use and shall not change the residential character of the neighborhood.

2. It shall not consume more than 49% (forty-nine percent) of the gross residential living space including accessory structures and shall not change the residential character of the property.

3. A maximum of two on-site non-resident employees.

4. Not permitted in a duplex or multi-family dwelling.

5. One sign which advertises the business is permitted. It shall be unlighted and shall not exceed three square feet.

6. All outdoor storage, display, and any other external indication of the business activity shall be screened from neighboring view.

7. Any use that may be objectionable, noxious, or injurious by reason of the production of emission of odor, dust, smoke, refuse matter, fumes, noise, vibration, heat, or excessive illumination is prohibited. In addition, the use, storage, or disposal of hazardous materials, chemicals, by-products, medical waste, or similar items considered dangerous to health and safety shall not be permitted without full local and state regulatory approval.

8. A maximum of two registered vehicles related to the business may be kept in view. All other business-related equipment must be garaged and screened from neighboring view.

9. Delivery of goods and materials is limited to vehicles customarily associated with residential deliveries.

10. Customer parking shall be provided off-street and may not be located within the required front, side, or rear setbacks of the property.

11. No retail sales other than those that are incidental to and customarily associated with business use for which the permit was issued.

12. An accessory structure built or converted for home occupation purposes shall be a size, style and type that is compatible with the surrounding neighborhood and capable of reversion to uses that are customarily accessory to residential.

13. Where the proposed General Home Occupation shall result in an increase of the amount of wastewater to be discharged it shall be shown by the applicant that there is subsurface wastewater disposal system that has been approved by the New Hampshire Water Supply and Pollution Control Commission (NHWSPCC) or that a system adequate for the proposed use shall be installed as a condition of issuing a Special Exception.

The applicant acknowledges criteria 14, that the BOA may impose any other reasonable conditions on the home occupation that are necessary to protect the residential character of the neighborhood.

Initial: _____

The applicant is aware of criteria 15, that upon approval of the Special Exception, site plan review and approval shall be obtained from the Planning Board.

Initial: _____

Applicant _____ Date _____
(Signature)

When appearing before the Board of Adjustment, you should:

State your name and address. If you are the property owner, you should state how long you have owned the property. If you are not the owner, you are required to have the written permission of the owner to represent the petition.

You should then inform the Board why you are seeking a special exception. You can use the words on your petition.

August 13, 2002

Pelham Zoning Board of Adjustment Applicants

RE: Abutter notification procedure.

To Whom It May Concern:

As a result of recent issues relating to the quantity and quality of applications submitted to the Zoning Board of Adjustment for review, the Planning Department has recommended changes in some procedures. The most significant changes reflect the abutter notification process. In conjunction with a review of NH RSA 676:7 regarding minimum procedural requirements for notice, the Board adopted a policy requiring applicants to complete all abutter lists for meeting notifications.

Although the Planning Department staff will continue to be available for general assistance, the Department is not permitted to take part in the actual generation of the lists themselves. This procedure comports more closely with the language of the above referenced statutory provision and protects the Town from claims regarding deficient notification.

Effective immediately, it is the responsibility of each applicant to complete the list and 3 sets of mailing labels using the form I have attached to this letter. Copies are available on our web page at www.pelhamweb.com. No abutters list will be accepted unless accompanied by a signed copy of the first page of the form.

Thank you for your cooperation.

Very truly yours,

Planning Department

CC: Board of Adjustment

Town of Pelham

Zoning Board of Adjustment

Official Abutters Notification Form

This form is the *official and only* form to be used for the purpose of notifying abutters for a Pelham Zoning Board of Adjustment meeting. This form must be filled out and/or attached to any abutters list submitted to the Town for a public hearing. This form, along with all other application materials must be submitted 21 days in advance of the hearing date requested. Failure to submit this form with the completed abutters list by the above date and time will void any request for a public hearing.

In accordance with New Hampshire Revised Statutes Annotated 676:7 I(a), as amended from time to time, the following names and addresses must be submitted for notice purposes:

- ◆ The applicant or applicants and owners of the land under review.
- ◆ Every abutter
- ◆ Holders of conservation, preservation, or agricultural preservation restrictions.

For abutting landowners, the names and addresses must be generated from town records not more than 5 days prior to filing the application. Compliance with notification procedures is the sole responsibility of the applicant and not the Planning Board or Town staff. Lists will not be reviewed for correctness by the Planning Board or Town staff. Copies of the abutters shall be attached to the application and submitted with three (3) sets of mailing labels for use by the Town.

By signing below, the applicant(s) formally submits this form, along with the required list of addresses and names, and attests to compliance with the above requirements.

Signature of Applicant

Date

(begin list on reverse side)



**BOARD OF ADJUSTMENT
6 VILLAGE GREEN
PELHAM, NH 03076
603-635-7811**

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TOWN OF PELHAM

6 Village Green
Pelham, New Hampshire 03076

AUTHORIZATION TO ACT AS AGENT

Date: _____

I authorize _____ to act as my agent in securing any and all permits necessary to the development of my property located at _____
Pelham Tax Map_____.

Signed: _____

Dated: _____

Witness: _____