



## **EQUITABLE WAIVER 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 must be submitted with **14 COPIES** in order to process the application.

### **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. **14 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.
2. Submit (3) three completed sets of mailing labels.

## **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)

**APPLICATION FOR EQUITABLE WAIVER OF DIMENSIONAL REQUIREMENTS**

An Equitable Waiver of Dimensional Requirements is requested from Article \_\_\_\_\_

Section \_\_\_\_\_ of the zoning ordinance to permit: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

1. Does the request involve a dimensional requirement, not a use restriction?

( ) yes ( ) no

2. Explain how the violation has existed for 10 years or more with no enforcement action, including written notice, being commenced by the town: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**- OR -**

Explain how the nonconformity was discovered after the structure was substantially completed or after a vacant lot in violation had been transferred to a bona fide purchaser:

\_\_\_\_\_  
\_\_\_\_\_

- and how the violation was not an outcome of ignorance of the law or bad faith but resulted from a legitimate mistake:

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3. Explain how the nonconformity does not constitute a nuisance nor diminish the value or interfere with future uses of other property in the area:

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4. Explain how the cost of correction far outweighs any public benefit to be gained:

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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 variance/special exception/equitable waiver/appeal. 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.pelham-nh.com](http://www.pelham-nh.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

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### 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 land owners, 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.

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Signature of Applicant

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Date

*(begin list on reverse side)*



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

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# TOWN OF PELHAM

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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: \_\_\_\_\_