

APPLICATION FOR A SPECIAL EXCEPTION

FEE: \$75.00 & Mailing Costs

To the Zoning Board of Adjustment,
Town of Cornish, New Hampshire

Do not write in this space.
Case No. _____
Date Filed _____
_____ (signed – ZBA)

Name of Applicant _____

Address _____

Owner _____

(if same as applicant, write “same”)

Phone/Cell _____ Email _____

Location of Property _____

(street, number, map and 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 the proposed use showing justification for a Special Exception as specified in the Zoning Ordinance, Article _____, Section _____

Explain how the proposal meets the Special Exception criteria as specified in Article X, Section F.1(d) of the Zoning Ordinance.

The proposed use shall not adversely affect:

1. The capacity of existing or planned community facilities. _____

2. The character of the area affected. _____

3. Traffic on roads and highways in the immediate vicinity. _____

4. Town services and facilities. _____

5. Neighboring land uses present and prospective. _____

6. Significant wildlife habitat, trails, significant natural, scenic or historic features or sites.

Applicant _____ Date _____
(Signature)

INSTRUCTIONS TO APPLICANTS APPEALING TO THE BOARD OF ADJUSTMENT

Special Exception: 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.

If you are applying for a special exception, you may also need site plan or subdivision approval, or both, from the Planning Board. Even in those cases where no Planning Board approval is needed, depending on the particular facts of your case, presenting a site plan to the Planning Board may assist in relating the proposal to the overall zoning.

For any appeal, the application must be properly filled out. The application form is intended to be self-explanatory, but be sure that you show:

WHO owns the property. If the applicant is not the property owner, this must be explained.

WHERE the property is located.

DESCRIBE the property. Give area, frontage, side and rear lines, slopes and natural features, etc.

WHAT do you propose to do? Attach sketches, plot plans, pictures, construction plans, or whatever may help explain the proposed use. Include copies of any prior applications concerning the property.

WHY does your proposed use require an appeal to the board of adjustment?

WHY should the appeal be granted?

Prepare a list of all abutting property owners and attach it to your application. **Under N.H. RSA 672:3, “Abutter” means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board.** If you have difficulty, consult the assessor’s office, but the accuracy of the list is your responsibility. Mail or deliver the completed application, with all attachments, to the Clerk of the Board or to the office of the Board of Selectmen. **A fee is charged sufficient to cover the cost of all legally required notices. Fees will be collected at the hearing. Please bring your checkbook to the hearing and make checks payable to the Town of Cornish. Failure to pay the fee will result in a denial of the appeal without a public hearing.**

The Board will promptly schedule a public hearing upon receipt of your properly completed application. Public notice of the hearing will be posted and printed in a newspaper and notice will be mailed to you, to all abutters, and to 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 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 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 in 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 NH RSA Chapter 677 for more detail on rehearing and appeal procedures.