Sullivan New Hampshire Zoning Board of Adjustment (ZBA)
452 Centre St, PO Box 110, Sullivan, NH 03445

Tel. (603) 847-3316 | Fax (603) 847-9154 | e-mail selectmen@townofsullivannh.com

SEAP 01

ZBA use only:
Date Filed at Town Hall: _____, Date Rec'd by ZBA: _____, Signed (ZBA) _____,

APPLICATION FOR A SPECIAL EXCEPTION

Name of applicant: _____

Address: _____

Owner: _____, **if same as applicant, write "same")**

Telephone Number (___) _____, e-mail address _____

Location of Property: _____ (____-____-_____)
Street Address/location **Map Lot Sub-lot**

Note: This application is not acceptable unless all required statements and information have been provided. Additional information will be provided as necessary in well-organized attachments.

1. **Proposed use of property which is non-conforming to the Sullivan NH Community Planning Ordinance (CPO):**

_____

_____

2. **Provide Article, Section & Paragraph numbers of the CPO which this use violates:**

_____ _____ _____

_____ _____ _____

3. **As Attachments, provide a detailed description/ analysis/ evaluation of how the proposed use will satisfy the Conditions and Criteria of Article VI, Section C of the CPO. It is strongly recommended that the details of the proposed use also include a rough plat of the location and carefully address the following common concerns:**

- **A statement as to the current status of the property as conforming or non-conforming.**
- **If the property is currently non-conforming, describe the full extent of the current non-conformances including any previous official action(s) approving these non-conformances.**
- **The use will conform to Federal, State and local environmental regulations. Explain the extent of compliance and the status of any required permits.**
- **All necessary permits for the proposed use have been obtained or applied for. Attach copies of the applicable permits or applications. If no additional permits are necessary, state so.**
- **Provide documentation regarding any structures which will be added to the property.**
- **The use will not create excessive traffic, congestion or unsafe highway conditions.**
- **The use will have sufficient off street parking and maneuvering space.**
- **The use will not create excessive or objectionable light, noise, or odors.**
- **The use will have specific operating hours. Special or Seasonal hours should also be stated.**
- **The use will not reduce the value of surrounding properties.**
- **There are or will be adequate sewage and water facilities provided by the applicant.**
- **The use will not create any unnecessary Public Safety Issues.**
- **The use will not impair Public Safety Vehicle (Fire, Police, and Ambulance) access to the site.**
- **The use will be consistent with and preserve the attractiveness and rural character of the Town.**
- **If the applicant is not the owner of the property, the applicant must have the owner's notarized power of attorney to make this application.**

4. **Provide a complete and accurate notification list (commonly called an abutters list). Failure to provide complete and accurate notification may result in an approval by the ZBA being nullified.**

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Reference Excerpt from NH State Statute: RSA 676:7

I. Prior to exercising its appeals powers, the board of adjustment shall hold a public hearing. Notice of the public hearing shall be given as follows:

(a) The appellant and every abutter and holder of conservation, preservation, or agricultural preservation restrictions shall be notified of the hearing by certified mail stating the time and place of the hearing, and such notice shall be given not less than 5 days before the date fixed for the hearing of the appeal. The board shall hear all abutters and holders of conservation, preservation, or agricultural preservation restrictions desiring to submit testimony and all non-abutters who can demonstrate that they are affected directly by the proposal under consideration. The board may hear such other persons as it deems appropriate.

(b) A public notice of the hearing shall be placed in a newspaper of general circulation in the area not less than 5 days before the date fixed for the hearing of the appeal.

II. The public hearing shall be held within 30 days of the receipt of the notice of appeal.

III. Any party may appear in person or by the party's agent or attorney at the hearing of an appeal.

IV. The cost of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the board to terminate further consideration and to deny the appeal without public hearing.

The Town of Sullivan Notification List must contain the following information and shall be submitted as part of all Land Use applications. The list shall include all of the following for each person/entity to be notified:

a. **The Relationship of the listed person/entity to this application.**
b. **The name(s) and mailing address and of the owners of all abutting properties, vacant or improved including the properties Map, Lot & Sub-Lot number. The name and address shall be that taken from the Town records not more than 5 days before the submission of the list.**
c. **The name and mailing address of all professionals whose seal appears on the plans being submitted as part of this application. (Surveyors, Engineers, Soil Scientists etc.)**
d. **The name and mailing address of all parties holding a mortgage or lien on the property.**
e. **The name and mailing address of all parties holding a conservation, agricultural preservation, or preservation restriction on the property or abutting property.**
f. **If the property includes or adjoins wetlands, streams or bodies of water the NH DES must be notified.**
g. **If the property abuts or crosses Town Line(s), the adjoining Town(s) must also be notified.**

The applicant will be pay a fee of $45.00 for placing the public notice in the newspaper and a fee of $15.00 per each person/entity on the notification list. Fees are payable when the application is submitted.

5. **The applicant is hereby placed on notice that:**
   - **Additional information, including expert advice and/or opinion(s), may be requested and required by the ZBA and the applicant will be required to provide this at the applicant's expense. Failure to comply with the ZBA request(s) may be grounds for the board to terminate further consideration and to deny the appeal.**
   - **Approvals may be conditional and require the applicant to meet specific conditions including obtaining approvals from other Sullivan Boards (i.e. Site Plan Approval, Building Permit etc.)**

6. **CERTIFICATION: I hereby certify that to the best of my knowledge this information provided in and with this application is valid and that there is no existing violation of the approved ordinances, codes, and/or regulations of the Town of Sullivan. I authorize the Members of the Board or their staff to enter onto my property for the purposes of this review.**

_____
Applicant Signature

_____
Date

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APPLICATION INSTRUCTIONS for SPECIAL EXCEPTION

1. Application forms are available at the Sullivan NH Town Hall. See the Town Clerk or the Selectman's Administrative assistant.
2. Clarification/ Interpretation/ Explanation of the Community Planning Ordinance and assistance in completing the application may be obtained from the Selectmen, Planning Board Director, Selectmen's Administrative Assistant or Secretary of the Planning Board. This assistance is complementary and the accuracy of the information/ advice is not legally binding upon the Town of Sullivan. Competent Legal Assistance should be obtained from the applicant's personal attorney.
3. Correctness and accuracy of information submitted is the responsibility of the applicant.
4. Applications must be complete and legible, either typed or printed in ink. Incomplete or illegible applications will be returned and must be resubmitted.
5. Applicants having questions regarding the application process may contact the Secretary of the ZBA.
6. Applicant should become familiar with all pertinent ordinances and applicable State Statutes prior to submitting an application to the Board.
7. The application must be signed by the property owner or his agent having written power of attorney to act on the owner's behalf.
8. Submit Eight (8) copies of the application and all of its attachments including notification list.
9. The following must also accompany your application at the time it is submitted:
   a. Eight (8) copies of any additional documents that you wish the Board to consider at the public hearing (letter, deeds, etc.);
   b. Eight (8) copies of one or more photos clearly showing the entrance to the property from the main road to facilitate locating the property the property for inspection purposes. The property street number must be easily seen from the main road;

   For Your Information: One Copy of the complete application including all attachments and supplemental information will be maintained as a permanent record of the submitted application.
   One Copy of the complete application including all attachments and supplemental information will be maintained at Town Hall during the hearing process for examination by the general public.
   Six Copies of the complete application including all attachments and supplemental information will be distributed as "working copies" to the five (5) ZBA members and the ZBA Secretary.
10. Note! All physical evidence submitted to the Board will be retained by the Board as part of the record of the petition.
11. Sample of a suggested Notification List Format:

Town of Sullivan Notification List

Applicant: Joe Doe Project: Ice Cream Store

Property: 73 Huckleberry Hound Ln (3 - 07 - 099) (Map - Lot - Sub-Lot)

Relationship	(Map,Lot, Sub-Lot)	Name	Mailing Address
Abutter	3-077-85	John & Jane Deere	70 Huckleberry Hound Ln, Sullivan NH 03445
Abutter	3-077-93	Massey Ferguson	78 Huckleberry Hound Ln, Sullivan NH 03445
Surveyor	N/A	Outofline Surveying	1000 Oversight Pl, Keene NH 03431
Mortgager	N/A	Gotyourmoney Bank	1200 Scrooge St, Keene NH 03431