



## SECTION 2: Application For A Special Exception

Instructions to applicants appealing to the Board of Adjustment. Important: Read carefully before filling out the application on the reverse side.

The ZBA strongly recommends that, before making any request, you become familiar with the Chester Zoning Ordinance as it pertains to your request, and also with the New Hampshire Statutes TITLE LXIV, RSA Chapters 672-677, covering planning and zoning and particularly RSA Chapter 677 for more detail on rehearing and appeal procedures. You may view State Statutes on-line at [www.state.nh.us](http://www.state.nh.us), the Chester Zoning Ordinance at [www.chesternh.org](http://www.chesternh.org) and both may be viewed at the Chester Town Offices.

Certain sections of the ordinance provide that a particular use of property in a particular zone/district will be permitted by special exception if specified conditions are met. See necessary conditions in the Ordinance, Article 11, Section 11.4, Article 5, Sections 5.3.3 and 5.7.7 and Article 9. Your request for a special exception will be granted if you can show that conditions stated in the ordinance are met.

You may need site plan or subdivision approval, or both, from the Planning Board and you must attach your site plan or subdivision approval, along with any conditions to this application. Attach all necessary documentation. This application is not acceptable unless; submitted thirty (30) days prior to the meeting, all required statements have been made, and all fees paid. Additional information may be supplied on a separate sheet if the space provided is inadequate and attached to this form. After the public hearing, the Board will reach a decision and a written certified **Notice of Decision** will be sent.

If after your hearing has been scheduled, you find it necessary to ask for a **“motion to continue”** you must make this request in writing to the ZBA eight (8) working days prior to the date or the motion will be denied. The ZBA may require, at your cost, additional fees to re-notice the public and abutters.

If your request is continued to the next meeting by the ZBA, the date and time will be announced, it is your responsibility to take note, notice will not be mailed. The only public posting will be at Town Hall and the Post Office.

The granting of a special exception use shall be deemed to authorize only one particular use. **The special exception shall expire if the authorized use ceases for more than twelve (12) months for any reason.** The approval of a new application shall be required for reinstatement of the special exception use. **If a special exception permit has not been implemented within one (1) year of the date of such authorization, then such authorization shall become null and void and no permit shall be issued thereafter.** The ZBA, at the applicant's request, may grant an extension to this time limitation. This extension must be requested in writing before the year expires, two weeks prior to the next scheduled meeting and a copy of the original **Notice of Decision** must accompany the request.

If you believe the Board's decision was unlawful or unreasonable; you have the right to motion for a rehearing. Any person or persons jointly or separately aggrieved by a decision of the Board of Adjustment shall have the right to file a **Motion for Rehearing** within thirty (30) days beginning with the date following the date of the board vote in accordance with the provisions of the New Hampshire Statutes Annotated, Chapter 677. Whether or nor a rehearing is held, **you must have requested one before you can appeal to the courts.** When a rehearing is granted, the same procedure is followed as for the first hearing, including public notice and notice to the abutters.

## PUBLIC HEARING APPLICATION REQUIREMENTS

Attached are applications and all related information concerning a request for a Public Hearing with the Zoning Board of Adjustment. The four requests that can be made are as follows:

SECTION 1: **Appeal From An Administrative Decision**

SECTION 2: **Application For A Special Exception**

SECTION 3: **Application For A Variance, Area or Use**

SECTION 4: **Application For An Equitable Waiver Of Dimensional Requirements**

The application is intended to be self-explanatory.

1. If the applicant is an agent of the owner, indicate as such, both must sign. Include a letter giving you, the applicant authority by the owner.
2. Include and attach plot plans, sketches, pictures or construction plans giving area, frontage, side and rear lines; describe the property, and the proposed use. Lack of an adequate plan could result in delay or misunderstanding of the written record.
3. Include copies of any prior applications concerning the property and information contained in subdivision or site plan review applications. Any conditions attached to a site plan review or subdivision approval must be attached.
4. **A copy of the building permit denial must be included.**
5. Attach a list of all abutting property owners, including the applicant and/or owner. If you have any difficulty, consult the Assessor's or ZBA office, **but the accuracy of the list is your responsibility.** (Abutter: any persons holding legal title to land, which adjoins or is directly across the street or stream from land under consideration.)

Public Hearings are held on the third (3rd) Tuesday of each month, unless otherwise noticed. Public notice will be posted, printed in the newspaper, certified notice will be mailed to the applicant and/or owner and abutters not less than five (5) days before the date fixed for the hearing of the appeal. The applicant and/or owner will also be mailed a certified notice of decision. A fee is charged to cover the cost of preparing and mailing **the legally required notices**. Make check payable to the **"Town of Chester"**. The **properly completed** signed application with attachments and check must be received **thirty (30) days in advance**. Failure to pay such costs shall constitute valid grounds for denial without a public hearing.

Mail to: Zoning Board of Adjustment  
84 Chester Street  
Chester, New Hampshire 03036-4305

Deliver to: Chester Town Offices  
84 Chester Street  
Tel: 887-4343

Application fees:	Processing and publication of legal notice	\$ 200.00
	Abutters, applicant and/or owner's certified notice	\$ 10.00 each
	Applicant and/or owner's Notice of Decision (overseas additional per current postal rate)	\$ 10.00 each

