RINDGE BOARD OF ADJUSTMENT
30 PAYSON HILL ROAD, ~~PO BOX 163~~
RINDGE, NH 03461
Tel. (603) 899-5181 X100 Fax (603) 899-2101 TDD 1-800-735-2964
www.town.rindge.nh.us

Approved 27, July 2010

Do not write in this space: Case #: _____ Date Filed: _____ Check #: _____ Date Ck. Rec'd: _____
Ck. Amt.: _____ Signed (ZBA) _____

APPLICATION FOR A SPECIAL EXCEPTION

Name of applicant: _____
Address: _____
Owner: _____**If same as applicant, write "same")**_____
Telephone Number _____ **email address** _____
Location of Property: _____
(Street #, Map/Lot #, Subdivision)

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. An application fee of $175.00 is required with this application. In the case of financial hardship, contact the Overseer of Welfare at the Town Office.

APPLICATION FOR A SPECIAL EXCEPTION

Description of proposed use showing justification for a special exception as specified in the _____ordinance, article, _____ section _____

Explain how the proposal meets the special exception criteria as specified in article _____section _____ of the zoning ordinance. (List all criteria from the ordinance).

Criteria 1: The use will not create excessive traffic, congestion, noise, or odors.
_____
_____.

Criteria 2: The use will not reduce the value of surrounding properties. _____
_____
_____.

Criteria 3: There are adequate sewage and water facilities, and sufficient off street parking is provided by the applicant. _____
_____
_____.

Criteria 4: The proposed use will preserve the attractiveness of the Town. _____
_____
_____

_____
Applicant Signature **Date**

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APPLICATION INSTRUCTIONS SPECIAL EXCEPTION

Completing Application:

1. **Application forms are available at the Office of the Code Enforcement Officer, Town Secretary at the Town Office and on the web site at www.town.rindge.nh.us. The most current form provided must be used.**
2. **Clarification of the Zoning Ordinance and assistance in completing the application process can be obtained from the Code Enforcement Officer, Planning Board Director, Selectmen's Secretary or Secretary of the Zoning Board. Legal assistance should be obtained from the applicant's personal attorney.**
3. **Correctness of information submitted is the responsibility of the applicant.**
4. **Applications must be complete and legible, either typed or printed in ink. Incomplete or illegal applications will be returned and must be resubmitted.**
5. **Zoning district information may be obtained from the Planning Office or Code Enforcement Officer.**
6. **Applicants having questions regarding the application process may contact the Secretary of the Zoning Board of Adjustment.**
7. **Applicant should become familiar with all pertinent ordinances prior to submitting an application to the Board.**
8. **The application must be signed by the property owner. Signature by anyone else or other representation at the meeting must be approved in writing by the property owner.**
9. **Submit eleven (11) copies of the attached notification list with all names and mailing addresses for everyone who must receive notification of the public hearing including:**
    a. **Owner of property.**
    b. **Applicant (if different than owner);**
    c. **Agent(s) if different from owner & applicant and not already included in # f below);**
    d. **Owners of record of all abutting properties (directly abuts the lot in question or is directly across a street, road, or stream from the lot in question) as indicated in the Town Records and not more than five days before the date of filing, identified by the map and lot numbers as shown on the Rindge Tax Maps;**
    e. **All individuals or entities holding a mortgage or lien on the subject property as of the date the application is submitted;**
    f. **All individuals whose professional seal appears on any plan submitted; and,**
    g. **All holders of conservation, preservation, or agricultural preservation restrictions as defined under NH RSA 477:45.**
10. **The following must also accompany your application at the time it is submitted:**
    a. **Eleven (11) copies of any additional documents that you wish the Board to consider at the public hearing (letter, deeds, etc.);**
    b. **Eleven (11) copies at a size of 8 ½" x 14" (legal size) and in addition three (3) full size (24" x 36"), if applicable, copies of the survey, plot plan or accurate scaled drawing must be submitted showing the location and dimensions of all structures, property lines, and other pertinent date, including adjacent streets and roads. If the application is for dimensional**

relief , an "As-built" survey performed to detail the horizontal and vertical positions of the physical improvements of all or part of a tract, parcel or lot of land as defined in the New Hampshire Code of Administrative Rules Lan 503.02 (a) shall be submitted. The survey need only be made with enough detail to clearly delineate the area for which the dimensional relief is being sought;

c. **Eleven (11) 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;**
d. **Application fee of $175.00 is due with application. Fees are nonrefundable. Make checks payable to the Town of Rindge;**
e. **Eleven (11) copies of the decision being appealed (building permit denial, etc.); and,**
f. **All physical evidence submitted to the Board will be retained by the Board as part of the record of the petition.**

PLEASE NOTE: In the case of dimensional approvals, no expansion or relocation within the setback except as reviewed and approved by the Board is allowed – please be sure the plan you submit is complete and accurate as to what you want to build. Your completed application along with all other necessary paperwork and fees must be submitted to the Rindge Zoning Board of Adjustment at least 21 days prior to the date of the meeting you wish to attend. A date, time, and place will be set for the public hearing and notice will be sent to the applicant and all other necessary individuals. The Town will publish notice of the meeting in a newspaper of general circulation. In signing the application form, the applicant authorizes members of the Board and/or staff to enter into and view the premises for the purposes of understanding the request being made. Board members and/or staff may or may not choose to view the site. The site must be clearly marked with the e-911 street address to facilitate inspection. You or your representative must attend the Zoning Board hearing. If no one is present at the meeting to present your application, it will be denied without prejudice and the Applicant must refile. Decisions are usually rendered by the Board at the same meeting at which the public hearing is held. In some instances, decisions may be made at a later date. The findings of the Board will be forwarded to the Applicant by certified mail. The public hearing will be held first, with the Applicant or his representative presenting his petition. Following this, those wishing to speak in favor or in opposition may do so. All comments must be directed to the Chair. Everyone rising to address the Chair shall identify himself or herself, giving his or her name and address. Any physical evidence submitted during the public hearing in the form of plans, drawings, pictures, correspondence, etc. shall be kept by the Board as part of the permanent record of the application. Reasons will be given for all decisions of the Board. In the event the Board wishes to wait to make a decision, the Applicant will be so notified. Decisions will be announced by the Chair at the time they are made, with a copy mailed to the Applicant by certified mail. For additional information, see the ZBA Rules and Regulations. Any party affected by the decision of the Board has the right to appeal. Please refer to the Ordinance, RSA's or contact the Land Use Office for further information on requesting a rehearing and what form that request must take.

PLEASE NOTE: A REQUEST FOR REHEARING MUST BE FILED NO MORE THAN 30 DAYS FROM THE DATE OF BOARD ACTION BEING APPEALED. YOU MUST REQUEST A REHEARING AND THE BOARD MUST ACT TO GRANT OR DENY SUCH REQUEST BEFORE YOU CAN APPEAL TO THE COURTS.

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APPLICATION CRITERIA

The Zoning Board must base its action regarding your application on the following criteria. Address the criteria fully in your application and in your presentation to the Board during the public hearing. If you have any questions regarding the criteria, contact your legal counsel or the Zoning Board. The Board suggests you attend a Zoning Board hearing to become familiar with the process prior to submitting your application if possible. Please refer to the Zoning Ordinance and RSA's for further information on these matters.

SPECIAL EXCEPTION CRITERIA

1. **The use will not create excessive traffic, congestion, noise, or odors.**
2. **The use will not reduce the value of surrounding properties.**
3. **There are adequate sewer and water facilities, and sufficient off street parking is provided by the applicant.**
4. **The proposed use will preserve the attractiveness of the town.**

Extra Conditions for Certain Special Exceptions:

1. Special Exceptions for Bed & Breakfast in Residential or Residential/Agricultural District:

In addition to the four Special Exception criteria, a Bed and Breakfast establishment in the Residential or Residential/Agricultural Districts must meet these requirements:

a. **The proposed Bed & Breakfast must be located in a residential structure that exists as of the effective date of this amendment (3-13-90).**
b. **Non-residential structures commonly associated with residential structures such as barns, outbuildings or other accessory buildings shall not be converted for guest rooms regardless of whether said structure is attached to the residence or is a free standing structure.**
c. **Proposed exterior additions or alterations that would increase the size of the original building or alter its exterior appearance must be submitted to the Planning Board for site plan review and approval.**
d. **There shall be no more than five (5) guest rooms in the establishment.**
e. **The applicant proposing a Bed & Breakfast establishment must submit a site plan to the Planning Board for review and approval. The site plan shall be prepared in accordance with the Town's Site Plan Review Regulations.**
f. **Adequate on-site parking shall be provided for the owners, employees and guests of the Bed & Breakfast. Minimum spaces for parking shall be provided as follows: Owners – two spaces, employees – one space/employee, guests – one space each. Parking areas shall be as unobtrusive as possible and not visually detract from the general appearance of the building and its grounds or neighboring properties. No off-site parking on Town or State road right-of-ways will be permitted.**
g. **The applicant proposing the Bed & Breakfast shall provide certification from New Hampshire Water Supply and Pollution Control Division that the present septic system is capable of handling**

the additional sewage loading, or present a State approved plan for expanding or replacing the present system.

h. The Bed & Breakfast shall not cater to special or ancillary functions, whether guests are related or not. Such functions include but are not limited to: parties or receptions; other similar private parties and receptions, corporate/institutional meetings; seminars; workshops; religious retreats; etc.

i. Any future changes to an approved Bed & Breakfast establishment shall require a new (revised) site plan review and approval, unless the Planning Board waives the need for a new site plan review and approval of same, before any work proceeds on said changes or building permit is issued.

2. Special Exception for changing a lawful non-conforming use to a different non-conforming use under Article IX-B.

Must meet all four conditions for a Special Exception and be "more in conformity with the permitted uses in the District than the existing use."

3. Special Exception to alter/expand a non-conforming building:

Must meet all four conditions for a Special Exception and the alteration or expansion must not further violate dimensional requirements.

4. Special Exception for a sexually oriented business use must meet all four of the Special Exception conditions and the following seven additional regulations:

a. After a review of the plans showing the location, layout, a scale drawing, and location of any signs and utilities, the Board, in its judgment, must find that the use will not create excessive traffic congestion, noise or odors, not tend to reduce the values of surrounding properties, has adequate sewage and water facilities and sufficient off-street parking and will preserve the attractiveness of the town.

b. No sexually oriented business shall be located within 1,000 feet from any property line of the following:

1. **A public, religious, or private nursery school, kindergarten school, elementary school, middle school, junior high school, high school or similar educational facility.**
2. **Licensed Child Day Care Facility.**
3. **A public park, public recreational field, or any publicly owned property or facility.**
4. **A religious institution or place of worship.**
5. **Any existing residential dwelling.**

c. The proposed site may be required to be screened in such a manner that limits pedestrian and vehicular access to adjacent properties, but which does not restrict adequate lines of sight or create unsafe site conditions. This visual barrier shall be maintained by the property owner.

d. There shall be a minimum of 1,000 feet between any two sexual oriented businesses.

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e. **There shall be sufficient parking as established by local and state fire, building, or health codes, whichever is greater.**
f. **The site shall be maintained daily in a condition that is free and clear of any sexual paraphernalia or packaging.**
g. **Signs shall not visually depict any person in a "State of Nudity" or "Semi-Nude" and no sexually explicit material or advertising shall be visible from outside the building.**

5. **A Special Exception for dredging, filling, draining, or otherwise altering the surface configuration of surface waters, wetlands, or land within the Wetland Conservation District must meet the four Special Exception criteria and:**

   a. **Prove that the proposed use will not conflict with the purpose and intent of the Wetland Conservation District Ordinance.**
   b. **The applicant must have obtained all other applicable permits.**
   c. **The Rindge Conservation Commission must produce an advisory opinion on the application prior to the Public Hearing of your appeal.**

6. **A Special Exception to the Sign Ordinance requires an advisory opinion from the Planning Board prior to the Public Hearing of your appeal.**

STATEMENT OF ASSURANCE

I hereby certify that to the best of my knowledge this information is valid and that there is no violation of the approved ordinances, codes, and/or regulations of the Town of Rindge. I authorize the Members of the Board or their staff to enter onto my property for the purposes of this review.

_____

Owner's Signature (Or Applicant if authorized) **Date**

Town of Rindge Notification List

The following information shall be submitted, as required, as part of all Land Use applications. The list shall include all of the following:

A The name and mailing address of the owners of all abutting properties, vacant or improved. The name and address shall be that taken from the Town records not more than 5 days before the submission of the list.

P The name and mailing address of all professionals whose seal appears on the plans being submitted as part of this application.

L The name and mailing address of all parties holding a mortgage or lien on the property.

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R The name and mailing address of all parties holding a conservation, agricultural preservation, or preservation restriction on the property.

NAME, MAILING ADDRESS, TAX MAP/LOT # IF ABUTTERS OR LIST P, L, OR R FROM ABOVE.

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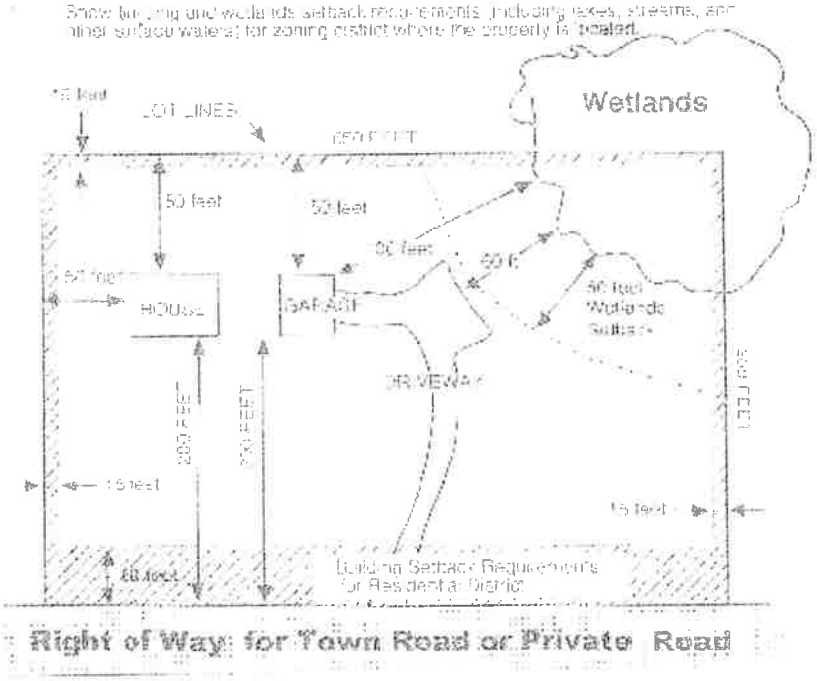
Plot Plan Drawings Requirements

All Board of Adjustment applications must be accompanied by a plot plan with the following requirements:

- Must be drawn to scale
- Show all proposed and existing buildings (including sheds, etc.)
- Show measurements to all boundaries from all buildings, existing & proposed
- Show all wetlands with measurements to existing buildings, proposed buildings, & driveways including parking areas
- Show building and wetlands setback requirements (including lakes, streams, and other surface waters) for zoning district where the property is located.