

# BELMONT ZONING BOARD OF ADJUSTMENT

## APPLICATION INSTRUCTIONS - REQUEST FOR REHEARING

Requests will be administered in conformance with RSA 677. All forms, schedules and Rules of Procedure are available on line and in the Land Use office. Correctness of information is the responsibility of the Applicant. Applications must be complete and legible, either typed or printed in ink. Incomplete or illegible applications will be returned and must be resubmitted. Applicants having questions regarding the application process may contact the Land Use Office.

### Application

**A completed application for Rehearing must be filed with the Land Use office within 30 calendar days of the date of the decision being appealed, exclusive of the day of the order or decision**

Each application for a hearing before the Board shall be made on the most current forms provided by the Land Use Office following the instructions attached thereto. All physical evidence submitted to the Board as part of the application or during the public hearing will be retained by the Board as part of the record of the application. At a minimum, the following shall be required:

1. Notification List - one copy of the attached notification list with all names and mailing addresses for everyone who will receive notification of the public hearing (to be returned if a Rehearing is not granted):
  - A. Owner of property.
  - B. Applicant (if different from 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 or stream from the lot in question) as indicated in the Town Records not more than 5 days before the date of filing, identified by the map and lot numbers as shown on the Belmont Tax Map. Abutting condominiums or associations shall receive notice to the officers of the condominium or association. Abutting manufactured housing parks shall receive notice to the park owner and those tenants who own manufactured housing which adjoins or is directly across the street or stream from the lot in question.
  - E. All individuals or entities holding a mortgage or lien on the subject property as of the date the application is submitted – if there are no mortgage or lien holders include a signed statement to that effect;
  - F. All individuals whose professional seal appears on any plan submitted;
  - G. All holders of conservation, preservation, or agricultural preservation restrictions as defined under NH RSA 477:45.
2. Envelopes (to be returned if a Rehearing is not granted)
  - A. one 4"x9-1/2" (business-sized) envelope with the name and address for each name on the above notification list, typed or printed legibly on the envelope and a return address to the Belmont Zoning Board, P.O. Box 310, Belmont, NH 03220. Do not put postage on envelopes and do not include any certified or return receipt labels.
  - B. two extra envelopes each (for a total of 3 envelopes) for Owner, Applicant, and Agents.
3. Fees – Check for filing and notification fees to be made payable to Town of Belmont. Check for Notice of Decision recording fee to be made payable to Belknap County Registry of Deeds. Fees to be returned

if a Rehearing is not granted.

4. Application Form - Eight copies of the completed most current application form. The application shall set forth fully all grounds upon which it is claimed that the decision or order complained of is unlawful or unreasonable.
5. Supporting plans, pictures, documents or other evidence – Eight copies of all other submitted information that the applicant wishes the Board to consider.
6. Completed application packets shall be delivered during regular business hours to the Land Use Office within 30 calendar days of the order or decision exclusive of the day of the order or decision. The application shall be date-stamped upon receipt. Completed applications are considered received for the purposes of scheduling on the date so stamped.

Within 30 days of receipt of a completed application for rehearing the Board shall:

1. grant the application; or
2. deny the application; or
3. request an extension of time to act on the application; or
4. suspend the decision complained of pending further consideration by the Board.

If the Board takes no action within the 30-day period, does not request an extension of time, and does not suspend the decision complained of pending further consideration by the Board it may be assumed that the motion has been denied.

Action by the Board on a Request for Rehearing shall occur at a public meeting but a public hearing is not required. New evidence is not a requirement for a rehearing. The Board may grant a rehearing motion if in its opinion good reason therefore is stated in the motion or to correct an error.

If granted, a public hearing will be held in accordance with the notice and procedural requirements set forth in these Rules. In the instance where a full five-member voting Board cannot be seated, the chair will offer the applicant the opportunity to proceed with a reduced Board, or to have the hearing postponed until the next regular meeting date, with the understanding that an affirmative vote of three members is required to decide in favor of any appeal and that action by a reduced Board is not, in and of itself, grounds for a rehearing.

The Zoning Board may expand the scope of the public hearing beyond that specified in the request for rehearing. The Board may consider the evidence provided in the application and during the public hearing. The Board has an opportunity to correct its own mistakes and is entitled to reconsider its prior ruling and make the same or a different decision for the same or different reasons. When the Board identifies new grounds for its initial decision, changes its initial decision and/or makes new findings and rulings in response to the motion for rehearing, any party aggrieved by the new action must file a new motion for rehearing on all issues ruled upon to preserve them for appellate review.

If the request for rehearing is denied or the Board takes no action, the applicant may bring suit in the Belknap County Superior Court within 30 days of the date upon which the Board voted to deny the motion for rehearing.

**SAMPLE ENVELOPE**  
**SAMPLE OF ENVELOPE THE APPLICANT MUST PROVIDE FOR EACH NOTIFICATION.**

Belmont Zoning Board  
P.O. Box 310  
Belmont, NH 03220

Do Not Attach  
Postage

Abutter's Name  
Full Mailing Address

**BELMONT ZONING BOARD OF ADJUSTMENT  
APPLICATION FOR REQUEST FOR REHEARING**

**APPLICATION MUST BE TYPED OR PRINTED LEGIBLY IN PEN**

**Owner:** \_\_\_\_\_ Tele: \_\_\_\_\_ Fax: \_\_\_\_\_ e-mail: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

**Applicant:** \_\_\_\_\_ Tele: \_\_\_\_\_ Fax: \_\_\_\_\_ e-mail: \_\_\_\_\_

(Different than Owner, but holding interest in property)

Contact Name: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

**Agent:** \_\_\_\_\_ Tele: \_\_\_\_\_ Fax: \_\_\_\_\_ e-mail: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

**Agent/Other:** \_\_\_\_\_ Tele: \_\_\_\_\_ Fax: \_\_\_\_\_ e-mail: \_\_\_\_\_

Contact Name: \_\_\_\_\_ Mailing Address: \_\_\_\_\_

DATE OF ORIGINAL ACTION: \_\_\_\_\_ DESCRIPTION OF ACTION: \_\_\_\_\_

LOCATION OF PREMISES:(STREET & NUMBER) \_\_\_\_\_

TAX MAP & LOT NUMBER: \_\_\_\_\_

THE ORIGINAL APPLICATION WAS FOR A:

- VARIANCE
- SPECIAL EXCEPTION
- APPEAL FROM ADMINISTRATIVE DECISION
- EQUITABLE WAIVER

OF: ARTICLE \_\_\_\_\_ SECTION or TABLE \_\_\_\_\_  
ARTICLE \_\_\_\_\_ SECTION or TABLE \_\_\_\_\_  
ARTICLE \_\_\_\_\_ SECTION or TABLE \_\_\_\_\_

EXPLAIN YOUR REASONS FOR REQUESTING A REHEARING FULLY (Attach additional information if necessary):

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant's Signature

ATTACH FULL LIST OF NAMES & ADDRESSES AS REQUIRED IN APPLICATION INSTRUCTIONS

