



## Zoning Board of Adjustment Notice & Instructions to Applicants

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**Overview.** “Zoning” refers to land use controls approved and amended at the local level as a legislative function (i.e. town meeting). Zoning regulations are intended to guide and control the direction of future growth in the community. The zoning ordinance necessarily provides for the Zoning Board of Adjustment (ZBA). Acting in a quasi-judicial capacity, the ZBA functions as a “constitutional safety valve” for the protection of the citizens. Generally the ZBA evaluates whether an application merits relief (special exception or variance) from the ordinary application of the zoning ordinance. Additionally, the ZBA considers appeals of zoning-related, administrative decisions. The express powers of the ZBA are defined several state statutes including but not limited to RSA 674:33. Processes by which the ZBA conducts its affairs are governed by both state statutes and Rules of Procedure (by-laws) adopted by the ZBA. It is strongly recommended that before making any application to the ZBA applicants become familiar with the types of appeals made to the Zoning Board of Adjustment and the criteria set forth in the Meredith Zoning Ordinance and applicable state statutes (RSA’s). For additional reference see also: “The Board of Adjustment in New Hampshire- A Handbook for Local Officials” (latest edition). It is the applicant’s responsibility to be properly prepared and familiar with applicable laws and regulations pertaining to their appeal. Applicants having questions regarding the applicability of the Zoning Ordinance, application requirements or the application process are encouraged to contact the Community Development Department at 677-4215.

**Application Requirements/ Complete Applications.** The Zoning Board of Adjustment has established basic application requirements which collectively constitute a complete application. These requirements are set forth in checklist fashion within in the respective application forms to be completed by the applicant. The Zoning Board of Adjustment requires that only complete applications be scheduled for public hearing.

Photographs showing the area of the property for which relief is sought are NOT required as part of an application. However, applicants at their discretion may choose to submit photographs in support of their application.

**Plans.** One of the application requirements is a plan. The plan provides a visual presentation of the applicant’s intentions. Accuracy and completeness are particularly important. The Zoning Board of Adjustment has established the content requirements of the plan.

plan requirements are also included in the application in checklist fashion to be completed by the applicant. If a plan is submitted that does not address each of the plan checklist requirements, then the application will be deemed “incomplete” and will not be scheduled for public hearing.

The Zoning Board of Adjustment requires that in instances where dimensional relief is sought from lot line setbacks or from wetland setbacks, the plan shall be prepared by a NH Licensed Land Surveyor.

There may be circumstances when it is appropriate to depict only a portion of the subject property on the plan. This is acceptable PROVIDED the scope of the plan sufficiently and clearly depicts the entirety of the applicant’s intentions.

Topographic information is NOT a requirement of all plans. However, topographic information may be provided to clarify when runoff may be an issue or if topography is relevant to the reasoning in support of an application.

Plans are not required of applications pertaining to appeals of an administrative decision (provided the appeal is not dimensional in nature).

Notwithstanding the above, the Zoning Board of Adjustment reserves the right to require additional information as it determines necessary to make an informed decision.

**Application Deadlines & Filing.** The Zoning Board of Adjustment has established deadlines for the filing of applications in anticipation of future meeting/hearing dates. The Meeting Schedule and Application Due Dates are available from the Community Development Department. If required Information is not filed by the application deadline the Board and/or abutters do not have sufficient review opportunity. This will result in the rejection of the application as incomplete.

Complete applications must be filed with the Clerk of the Zoning Board at the Community Development Department office located at 5 Highland Street, by 3:00 PM, 17 calendar days prior to the advertised meeting date. Please refer to the Zoning Board Meeting Schedule and Application Due Dates (deadlines) as approved by the Board.

**Application Review.** The Zoning Administrator/Code Enforcement Officer, the Zoning Clerk or in their absence the Chairman of the Zoning Board of Adjustment or his/her designee shall review all ZBA applications to determine whether all requirements for filing have been met (i.e. whether all required forms have been fully completed and all items on the checklists submitted). If such person determines that the application is complete, it will be placed on an agenda for consideration and hearing by the board at a regularly scheduled public meeting. If an application is determined to be incomplete, it will not be scheduled for public hearing.

Incomplete applications will be returned to the applicant with an explanation of the outstanding items. Such decision regarding incomplete applications may be appealed as a decision of an administrative official under RSA 674:33, 1 (a). Applications filed and deemed incomplete will experience delay. To avoid delay, applicants are strongly encouraged to file the application well in advance of the deadline. Doing so provides an opportunity for an administrative review of completeness and an explanation of outstanding items, if any. Filing an application well in advance of a deadline allows an applicant to address application deficiencies prior to the deadline, thus avoiding delay.

### **Applications for Special Exception- Wetlands Related**

A separate application is provided for instances where Special Exception is sought regarding the Water Resources Conservation Overlay District. Please note that there are additional informational requirements set forth in the application checklist. Additionally the application includes criteria specific to wetlands applications as set forth in the Water Resources Conservation Overlay District. See Zoning Ordinance Article V, Section D-9, H-5 for reference.

Article V, Section D-9, H-2 requires that the Conservation Commission or an authorized subcommittee of the Conservation Commission provide written comments and/or recommendations to the ZBA within 30 days of the receipt of an applicant's written proposal. Applicants should drop off wetlands related applications at the Town Hall, 41 Main Street to the attention of the Meredith Conservation Commission and have the application date stamped as "received". By ordinance the MCC has 30 days to review and comment on the proposal. If a ZBA public hearing is scheduled within the 30 day comment period and MCC comments have NOT been received, the application would not proceed to the ZBA public hearing.

### **Applications for Special Exception- Additional Specific Criteria**

The zoning ordinance provides additional criteria specific to certain uses including: Accessory Apartments, Two Family/Duplexes, Boathouses, Short Term Rentals, Group Homes and Wireless Telecommunication Towers. In addition to the general Special Exception criteria, these additional specific criteria need to be addressed in respective application.