

**TOWN OF MERRIMACK ZONING BOARD OF ADJUSTMENT**

**Application for a Special Exception (RSA 674:33)**

DATE SUBMITTED: \_\_\_\_\_

Case #: \_\_\_\_\_

Tax Map \_\_\_\_\_/Lot \_\_\_\_\_

Zoning District(s): W

Address of Subject Property: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

e-mail: \_\_\_\_\_

Is Applicant the property owner? \_\_\_\_ Yes \_\_\_\_ No

If no, identify Owner

Name: \_\_\_\_\_

Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

e-mail: \_\_\_\_\_

Owner's Signature (or attach Letter of Authorization): \_\_\_\_\_

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**All Special Exception Requests:**

Brief description of proposed use showing justification for a Special Exception as specified in the Zoning Ordinance, Section(s) 2.02.7 (A) (4).

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

Please attach additional sheets, plans, etc. if needed to support request for Special Exception.

I/We do authorize the Town of Merrimack Zoning Board of Adjustment and staff to enter upon the above referenced property for inspection.

\_\_\_\_\_  
Name of Applicant (*Please Print*)

\_\_\_\_\_  
Name of Property Owner, if Different  
from Applicant (*Please Print*)

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Signature of Property Owner, if  
Different from Applicant

**Special Exception for the undertaking of a use not otherwise permitted in the Wetlands Conservation District:**

For requests for a **Special Exception** for the undertaking of a use not otherwise permitted in the Wetland Conservation District, which may include the erection of a structure; dredging, filling, draining, or otherwise altering the surface configuration of the land, may be granted by the Board of Adjustment, if it can be shown that such proposed use will not conflict with the purpose as stated in Section 2.02.7 (A) (2).

Proper evidence to this effect shall be submitted in writing to the Board of Adjustment and shall be accompanied by the findings of a review by a Certified Wetland Scientist of the environmental effects of such proposed use upon the wetlands in question:

1. The applicant shall address the purpose and intentions as outlined in Section 2.02.7 (2) of the Zoning Ordinance:

- a) To prevent the development of structures and other land uses on or adjacent to wetlands that would contribute to pollution of surface and ground water. The proposed use will not conflict with this purpose because:

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- b) To prevent the destruction and degradation of natural wetlands that provide flood protection. The proposed use will not conflict with this purpose because:

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- c) To prevent unnecessary or excessive expenses to the Town to provide and maintain essential service and utilities which arise because of inharmonious use of wetlands and adjacent upland areas. The proposed use will not conflict with this purpose because:

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- d) To encourage those uses that can be appropriately and safely located in and around wetland areas. The proposed use will not conflict with this purpose because:

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## ABUTTER NOTIFICATION

Please be advised that, per RSA 676:7 (I), the Zoning Board of Adjustment is required to notify the following parties by certified mail - mailed at least five (5) days prior to the date of the meeting at which an item is to be discussed:

- 1) Applicant;
- 2) Abutters\*;
- 3) Holders of conservation, preservation, or agricultural preservation restrictions;
- 4) Every engineer, architect, land surveyor or soil scientist whose professional seal appears on the plan (if applicable).

**\*Abutters are required to be "as indicated in the town assessing records not more than 5 days before the day of filing", per RSA 676:4 (I)(b) (Please complete the certification below).**

**Definition of "Abutter" (RSA 672:3):** Any person whose property is located in New Hampshire and **adjoins** or is **directly across the street or stream** from the land under consideration by the local land use board. In the case of an abutting property being under a **condominium** or other collective form of ownership, the term "abutter" means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. In the case of an abutting property being under a **manufactured housing park** form of ownership as defined in RSA 205-A:1, II, the term "abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

In order for us to properly comply with the statutory requirements for Zoning Board of Adjustment notices, the Applicant needs to provide us with information for all of the above-mentioned parties, and provide payment for us to cover the costs of notice. Failure to do so will constitute sufficient reason for the application to be denied as "Incomplete".

**A sample format for compiling/submitting this information is on the reverse.**

## ABUTTERS TO BE NOTIFIED

Please sign and submit the following certification:

I hereby certify that the attached abutter information is as indicated in the Town of Merrimack Assessor's records as of \_\_\_\_\_, 20\_\_\_\_.

(date)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print name)

Please Utilize Below Format for Compiling/Submitting Abutter Information

Abutter 1  
Abutter 1 Address  
City State Zip

Abutter 2  
Abutter 2 Address  
City State Zip

Etc.

**OTHER PARTIES TO NOTIFY** *(include all that apply)*

Applicant  
Applicant's Address  
City State Zip

Owner (if different from Applicant)  
Owner's Address  
City State Zip

Engineer  
Engineer's Address  
City State Zip

Architect  
Architect's Address  
City State Zip

Land Surveyor  
Land Surveyor's Address  
City State Zip

Soil Scientist  
Soil Scientist's Address  
City State Zip

*Also list, individually, any holders of any conservation, preservation, or agricultural preservation restrictions that apply to the subject property*

**IMPORTANT: Attach two (2) sets of mailing labels for all parties identified above.**

### **CHECKLIST REQUIREMENTS**

All requests for a Special Exception shall be accompanied by a properly completed, dated and signed Application for a Special Exception, which shall contain the following:

		<u>Applicant</u> <u>(√)</u>	<u>CDD</u> <u>(√)</u>
1.	Tax Map_____/Lot_____	_____	_____
2.	Name and address of applicant.	_____	_____
3.	Name and address of property owner (if different).	_____	_____
4.	For uses other than an ADU, attach additional sheets, maps, plans, etc. as needed to support request for special exception.	_____	_____
5.	For a proposed ADU, per Section 2.02.1(B)(2), a completed building permit application including a scaled floor plan with dimensions of ADU and the level of the home where the apartment is to be located must be submitted with the application. All ingress/egress locations (existing and proposed) must be shown on the plan.	_____	_____
6.	A list, and two (2) sets of address labels, with the names & legal addresses of applicant, property owner, and all property owners abutting the subject parcel, including those directly across the street or stream.	_____	_____
7.	Certification by applicant that the abutters are as indicated in the Town of Merrimack Assessor's records, not more than 5 days prior to day of filing.	_____	_____
8.	Signed authorization for the Zoning Board and staff to enter upon the subject property for inspection.	_____	_____
9.	Application fee(s) and abutter notification fee.	_____	_____

Revised: 2/19/2014