



Town of Wilton, NH

Third-Party Appeal of Administrative Decision

(Revised January 2011)

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Instructions

If the Selectmen, Planning Board, Building Inspector, or any other town board or official has made a decision to allow someone else to do something with their property that you don't think they should be allowed to do, and the decision or action is based on what you believe to be an incorrect interpretation or application of the terms of the Wilton Zoning Ordinance, you may use this form to appeal that decision to the Zoning Board of Adjustment.

The Zoning Board does not have any authority to review a discretionary decision to commence formal or informal enforcement proceedings, or a decision based on any law or regulation other than the Wilton Zoning Ordinance.

For more information, please refer to RSA 674:33, I(a), RSA 676:5, and RSA 676:6.

(If a Town official or board has denied you permission to do something, refused to issue you a permit or other approval, or has taken enforcement action against you, you can appeal that decision using the "Appeal of Administrative Decision" section of the *Application to the Zoning Board of Adjustment* form.)

This application must be complete and filed in the Wilton Town Office, along with an abutter list, and with all fees paid, no more than 30 days from when the decision was made.

If you have any questions about how to complete this application, please contact the Zoning Board chairperson or clerk, whose names and phone numbers you can get at the Wilton Town Office.

We will be happy to help you understand the Zoning Board application process and legal requirements, but we cannot advise you on your personal situation. If you are uncertain about how the zoning laws apply to your case, we recommend that you obtain professional advice.

You must submit a copy of this application to the official or board who made the decision that you are appealing.

Fee

The application fee is \$100 for the application, plus \$6 for each abutter.

Abutter List

The abutter list must include the name and mailing address of

- the applicant,
- the property owner or owners,
- every person who owns property which touches any lot involved in the application (even at a corner) or is directly or diagonally across a road, stream, river, or railway right-of-way from a lot involved in the application, and
- the holders of any conservation, preservation, or agricultural preservation restrictions on any of the lots involved in the application.

Include the lot numbers of the all the abutting lots owned by each abutter.

You must also provide the abutter list (without the lot numbers) on two sets of adhesive mailing labels, no larger than 1½ × 3¼ inches.

It is your responsibility to provide an accurate abutter list. A Zoning Board decision that is made without notifying all abutters may not be valid, and an abutter who was not properly notified may be able to have the decision overturned.

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There are three ways to prepare an abutter list.

1. To be absolutely sure of getting it right,
 - a. Go to the Hillsborough County Registry of Deeds. Start with the deed, survey, or plot plan for the lot or lots involved in the application, and find the abutting lots.
 - b. Find the owners of all the abutting lots. Some of them might have been subdivided, so you should also check their site plans. You can also check whether there are any conservation, preservation, or agricultural preservation restrictions on any of your lots.
 - c. Go to the Wilton Town Office to check whether the town has a record of any of the abutting lots having been sold more recently than the records in the Registry were updated.
2. The town tax maps are not really designed to be used for abutter information, and there is no guarantee that the abutters shown on the tax maps are correct. However, if you want to take the risk,
 - a. Find the lots you're interested in and their abutting lots from the tax maps in the Town Offices.
 - b. Find the owners of those lots from the printed owner lists in the Town Offices.
 - c. Since the printed owner lists might not be up to date, check the owner information with the Town Clerk, who can look up the latest information in the Town's tax database.
 - d. The Town of Wilton only has lot and owner information for lots in Wilton, so if the lot you are interested in has abutting lots in a neighboring town, you will have to go to the Town Hall in that town or to the county registry.
 - e. The Town doesn't have any information about conservation, preservation, or agricultural preservation restrictions (unless they are held by the Town), so you are on your own there.

3. You can use the abutter list web tool at abutters.wiltonzba.org to prepare your abutter list and submit it to the ZBA right from your web browser.

Burden of Proof

The applicant shall have the burden of proving any historical facts relevant to an appeal before the Board. Such relevant historical facts include, but are not limited to, the date on which a lot, structure, or use came into existence.

Proof that a lot existed as a Lot of Record (Zoning Ordinance Section 3.1.19) on a particular date shall require signed certification to that effect by an attorney or licensed land surveyor, accompanied by copies of the deed or deeds from the Hillsborough County Registry of Deeds that support that conclusion.

The existence of a structure or use on a particular date may be established by testimony or by documentary evidence.



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Property Information

Describe the lot which the decision applies to. If more than one lot is involved, then describe them all in this space if it is convenient, or attach additional copies of this page.

Tax Map and Lot Number _____ Lot Size (if known) _____

Street Address _____

Zoning District (check one):

- Residential General Residence and Agricultural
 Commercial Industrial Office Park

Relevant Overlay Districts (check any that apply):

- Research and Office Park Floodplain Conservation Watershed
 Wetlands Conservation Aquifer Protection Elderly Housing

Owner

If the application involves multiple lots with different owners, attach additional copies of this page.

Name _____

Mailing address _____

Mailing address _____

Town, State, ZIP _____

(continued on the next page)

clerk use only

Date and time received: _____

Received by: _____ Amount paid: _____

Case #: _____ Abutter list and labels included



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Applicant

The applicant is the person who is appealing the decision.

Name _____

Mailing address _____

Mailing address _____

Town, State, ZIP _____

I certify that to the best of my knowledge and belief, all information provided in this application is accurate.

Signature _____ Date _____

Representative

Fill out this section if the application is being submitted by a realtor, surveyor, engineer, attorney, etc., on behalf of the applicant.

Name _____

Mailing address _____

Mailing address _____

Town, State, ZIP _____

I authorize the above-named representative to submit this application and to speak before the Zoning Board on my behalf.

Signature of applicant _____ Date _____

Contact Information

How can we get in touch with the applicant or the applicant's representative, if there are questions or problems about the application? Provide at least one of the following. If you provide more than one, please check your preferred form of contact.

This information is for: the applicant the representative.

Daytime phone _____

Evening phone _____

Work E-mail _____

Personal e-mail _____



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Details of the Appeal

You must attach a copy of the decision notice with this appeal. If the decision was made by a board, you should also attach a copy of the minutes of the meeting at which the decision was made. **The Zoning Board cannot review an informal or verbal decision.**

What is the decision that you are appealing? _____

What Town official or board made the decision? _____

What sections of the Zoning Ordinance was the decision based on? _____

Why do you believe that the decision was incorrect?