

Town of Milton

Appeal from an Administrative Decision

Application Instructions

Instructions to applicant for an Appeal from an Administrative Decision from the Milton New Hampshire Zoning Board of Adjustment. The Zoning Board of Adjustment strongly recommends that, before making any appeal, you become familiar with Milton's Zoning Ordinance and with New Hampshire Statutes Title LXIV, RSA Chapters 672 to 677, covering planning and zoning.

Appeal from An Administrative Decision:

If you have been denied a building permit or are affected by some other decision regarding the administration of the Milton Zoning Ordinance, and you believe that the decision was made in error under the provisions of the Zoning Ordinance, you may appeal the decision to the Zoning Board of Adjustment. The appeal will be granted if you can show that the decision was indeed made in error.

If you are appealing an administrative decision, a copy of the decision appealed from must be attached to your application.

Pursuant to RSA 676:7 the State law of New Hampshire, the Town of Milton is required to notify the applicant and every abutter of the public hearing by certified mail, return receipt requested. The cost of required publication or posting of notice and the cost of mailing said notices shall be paid by the applicant.

According to RSA 672:3, "abutter" is defined as "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. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of any abutting property being in condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356:B, XXIII. Please note: All roads, highways, railroads, rivers, ponds and streams are neutral.

Prepare a list of all abutting property owners (use attached sheet), verify the list at Milton's Town Office, and return it with your application. List the names and mailing addresses of the applicant and/or property owner and authorized agent (surveyor), not more than five (5) days prior to submission, per RSA 676:4,1(b). The accuracy of the list is the applicant's responsibility.

The Zoning Board of Adjustment will schedule a public hearing within 30 days of receipt of your properly completed application. Public Notice of the hearing will be posted and printed in Fosters Daily Democrat and notice will be mailed to you, all abutters, and other parties whom the Board may deem to have an interest, at least five (5) days prior to the date of the hearing. You and all other parties will be invited to appear in person or by agent/counsel to state reasons why the appeal should or should not be granted.

After the public hearing, the Board will reach a decision. You will be sent a Notice of Decision. If you believe the Board's decision is wrong, you have the right to appeal. The Selectmen or any party affected, have similar rights to appeal the decision in your case. To appeal, you must first ask the Board for a rehearing. The motion for rehearing must be in the form of a letter to the Board. The motion must be made within 30 days of the Board's decision and must set forth the grounds on which it is claimed the decision is unlawful or unreasonable.

The Board may grant such a rehearing if, in its opinion, good reason is stated in the motion. The Board will not reopen a case based on the same set of facts, unless it's convinced that an injustice would be created by not doing so. Whether or not a rehearing is held, you must have requested before you can appeal to the courts. When a rehearing is held, the same procedure is followed as for the first hearing, including public notice (Fosters) and notice to all abutters. (Applicable fees will be charged to the applicant motioning for the rehearing).

Fees are charged to cover the cost of preparing and mailing the legally required notices:

Application Fee	\$150.00
Abutter Notice	\$8.53 each
Site Identification Sign.....	\$5.00

Please make checks or money orders payable to the Milton Zoning Board of Adjustment. Mail or deliver the completed application with all the necessary attachments to:

Zoning Board of Adjustment
PO Box 310
Milton NH 03851

*****Important*****

Property Identification signs must be posted on the property for the 5-days prior to hearing. Failure to post may result in an application not being accepted.

Site Walk Authorization

The owner(s), by filing an application, hereby give permission for any member of the Milton Zoning Board of Adjustment and such agents or employees of the Town or other persons as the Zoning Board of Adjustment may authorize, to enter upon the property which is the subject of the application at all reasonable times for the purpose of such examinations and inspection as may be appropriate.

Owner(s) Signature: _____

Authorized Agent Signature: _____

