TOWN OF BOSCAWEN, NEW HAMPSHIRE | Conditional Use Permit

116 North Main Street, Boscawen, NH 03303 | 603 753-9188x2309 | keasler@boscawennh.gov

Application is hereby made for Planning Board review of a proposed project. I/We have reviewed the Town of Boscawen's Zoning Ordinance, Land Development Regulations and provide the information required below.

1. *Applicant's Name(s) _____
   Address_____

   Phone _____

2. *Name and Address of Owner(s) if different from Applicant:

   Name: _____ Address: _____

   Phone: _____ Email: _____

3. Interest of Applicant if not Owner: _____

   _____

4. Location of proposed site: _____
   (Address of property)

   _____ _____ _____
   (Tax Map) (Lot # of Tax Map) (Sub lot #)

5. Present use of the property _____

6. Proposed use of the site _____

7. Has a Variance or Special Exception been granted for this site? ☐ Yes ☐ No
   (If yes, please attach decision)

8. Area of entire tract _____

9. Do you require extension of water or sewer lines? _____

10. What zone is the parcel is in? ☐ AR ☐ R-1 ☐ R-2 ☐ C ☐ I ☐ MRD ☐ Village Check all that apply

11. Names and addresses of abutting owners (Attach a separate sheet with this information).

***If applicant is not owner, a notarized letter of authorization from owner must be on file.**

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Application Procedure: The applicant shall consult with the Planning & Community Development Director and request a Determination Letter from the Code Enforcement Officer for the proposed use. The Determination Letter will make reference to the Zoning Ordinance, Article IV, Use Regulations, for uses that are allowed by conditional use permit. If the Determination Letter indicates that the proposed use requires subdivision of land, the applicant will be directed to refer to the Land Development Regulations and make application for subdivision following the requirement of those regulations. Finally, if the Determination Letter indicates that a Site Plan Review is necessary, the applicant will be directed to refer to the Land Development Regulations and make application for Site Plan Review following the requirements of those regulations.

Letters from the following departments: Police Department, Fire Department, and Public Works Department.

Plan Format: The plan shall be drawn in black ink on sheets 22" x 34" and at a scale of 1" — 100' or larger. Where necessary, sections of the plan may be presented in several sheets at the required scale. North should be "up" on the plan. Please consult with the Planning & Community Development Department for the required number of copies of the application and plans for your particular application.

Other Items: As detailed below, the Board may require additional reports or studies deemed necessary to make an informed decision, including but not limited to: traffic, school, fiscal, environmental impact analyses, wildlife, historic, impact fee analysis, sprinkler system review and other studies. The Board reserves the right to request such information after an application has been accepted as administratively complete. If required, these special studies shall be conducted at the expense of the applicant.

Administrative Fees: Please consult with the Planning & Community Development Department for the required fee schedule. Remit payment with your application, supporting documents with the required payment to the Planning & Community Development Department.

Application Review and Procedure

An application for a Conditional Use Permit shall be initiated by filing an application for conditional use with the Planning Board. The following procedures shall apply to the processing of such an application:

1. When Subdivision or Site Plan approval is required, the application and review procedure for a Conditional Use Permit shall be made concurrently and in accordance with the procedures specified in the Land Development Regulations as applicable to the particular development.

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2. When Subdivision or Site Plan Approval is not required, the application and procedural requirements of the Land Development Regulations shall be applied to the application and processing of Conditional Use Permits with respect to content of applications, requirements for public notice, hearings and timing of decisions by the Planning Board only.

Burden of Persuasion

The applicant bears the burden of persuasion, through the introduction of sufficient evidence through testimony or otherwise, that the development, if completed as proposed, will comply with this Article and will satisfy the specific requirements for the use contained in the Zoning Ordinance in Article IV, Use Regulations.

Standards of Review

In reviewing an application for a Conditional Use Permit, the Planning Board shall consider the following information in its deliberation, as applicable to the case. Please answer the following questions in the space provided, or if necessary in an attached document:

1. Is there specific authorization for your proposed conditional use as established by the Zoning Ordinance in Article IV, Use Regulations?

_____

_____

_____

2. Will your proposed conditional use comply with the specific standards for such use as contained in the Zoning Ordinance and Land Development Regulations?

_____

_____

_____

3. If the Planning Board has required any special investigative or scientific studies prepared in association with the proposed development, what is your response to those studies?

_____

_____

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4. What is your response to any special reports or analyses of the project or its impacts prepared by the Town's departments, its consultants, boards or commissions?

Please be prepared to respond to testimony and evidence introduced at the public hearing on the application.

Waiver Request(s)

Where the Planning Board is authorized to administer the provisions of an Innovative Land Use Control under RSA 674:21, it may waive any standard within the section after making the following determinations:

1. Granting of a waiver shall not be detrimental to the public safety, health, or welfare or cause injury or damage to other property, or fail to promote the public interest;
2. The waiver is consistent with the purpose of the provisions of the Zoning Ordinance and Master Plan;
3. The waiver will result in a better design for the Town of Boscawen;
4. A particular hardship or circumstance exists that warrants granting a waiver. Such circumstances may include topography, soil constraints, wetlands, geographic location of the property, size and scale of the project.

Please state the requirement that you seek a waiver from and your reasons and/or justifications for requesting the waiver(s).

Hearing and Decision

Following a public hearing on the proposed use, the Planning Board shall issue a Conditional Use Permit if it finds, based on information and testimony submitted with respect to the application that:

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1. The use is specifically authorized by this Ordinance as a conditional use;
2. If completed as proposed by the applicant, the development in its proposed location will comply with all requirements of this Article, and with the specific conditions or standards established in this Ordinance for the particular use;
3. The use will not materially endanger the public health or safety;
4. The use will be compatible with the neighborhood and with adjoining or abutting uses in the area where it is to be located;
5. The use will not have a substantial adverse impact on highway or pedestrian safety; and
6. The use will not have a substantial adverse impact on the natural resources of the town.

Conditions of Approval

In granting a Conditional Use Permit, the Planning Board may attach reasonable conditions to its approval, including, but not limited to, performance guarantees and the phasing of a development, where such conditions are shown to be necessary to further the objectives of this Article. Representations made at a public hearing or in material submitted to the Planning Board by an applicant to obtain a Conditional Use Permit shall be deemed conditions of the issuance of the permit. All other conditions of approval shall be stated in writing in the permit. The Planning Board may require that such conditions be annotated on a site plan or subdivision plan, or otherwise recorded at the Merrimack County Registry of Deeds.

Appeals

Any persons aggrieved by a Planning Board decision on a Conditional Use Permit may appeal that decision to the Superior Court as provided in the manner prescribed in RSA 677:15. A Planning Board decision on the issuance of a Conditional Use Permit cannot be appealed to the Zoning Board of Adjustment (see RSA 676:5, III).

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Statement of Assurance and Agreement:

I hereby certify that to the best of my knowledge this submitted application information is true and correct. All proposed development will be in conformance with the information contained on the application and in the approved plan as well as the provisions of the Town of Boscawen ordinances and regulations.

The Owner/Agent, by filing an application, hereby grants permission for members of the Board and staff to enter onto the subject property for the purposes of this review.

_____

Applicant/Agent Signature Date

_____

Applicant/Agent Signature Date

_____

Owner Signature Date

_____

Owner Signature Date

By my signature below, I hereby certify that I have reviewed the application package and I believe it to be administratively complete, the fees have been paid and the application is ready for Planning Board review.

_____

Planning & Community Development Director Date