

**TOWN OF BOSCAWEN, NEW HAMPSHIRE
ZONING BOARD OF ADJUSTMENT**

116 North Main Street, Boscawen, NH 03303

(Phone) 603-753-9188 (Fax) 603 753-9183

e-mail: keasler@townofboscawen.org

**INSTRUCTIONS TO APPLICANTS APPEALING TO
ZONING BOARD OF ADJUSTMENT**

**IMPORTANT: READ ALL INSTRUCTIONS CAREFULLY BEFORE FILLING OUT
ATTACHED APPLICATION**

The Board strongly recommends that, before making any appeal, you become familiar with the Zoning Ordinance, and also with the New Hampshire Statutes Annotated Chapters 672-677, concerning planning and zoning.

Four types of appeals can be made to the Zoning Board of Adjustment:

- Requests for variances,
- Requests for special exceptions,
- Requests for equitable waivers of dimensional requirements, and
- Appeals of zoning administrative decisions made by the Town Officials, the Planning Board, and the Zoning Board of Adjustment.

For variances, which give relief from the literal restrictions of the Boscawen Zoning Ordinance, State statutes require that a majority of the sitting members find that an application meets all five (5) of the conditions necessary to be granted the variance. Note: requirement number 3 is a key provision and recent legal decision should be reviewed carefully by the applicant. Variances are included in a zoning ordinance to prevent an ordinance from becoming confiscatory or unduly oppressive as applied to individual properties uniquely situated. Variances are designed to afford relief to individual properties peculiarly affected by the provisions of a zoning ordinance. If the majority of property in a particular zoning district are affected in the same way, the appropriate form of relief is a legislative change (zoning amendment) rather than a variance. To determine whether an ordinance is arbitrary and unreasonable, the injury or loss to the landowner must be balanced against the gain to the public. The party(ies) seeking a variance have the burden of establishing each of the requirements for the variance.

APPLICATION FOR VARIANCE

A variance is requested from Section/Paragraph/Table: Article 5- Table of uses
of the Zoning Ordinance to permit: Building set back at 25 feet- not to
require 50 feet

If you are applying for a variance, special exception, or administrative appeal, you must first have some form of determination that your proposed use is not permitted without a variance, special exception, or administrative appeal. Most often, this determination is a denial of a building permit. A copy of the determination must be attached to your application.

The following items are required to complete the application and must be attached:

1. Hearing, Abutter, and Notification Fees:
Variance- \$100.00
Abutter Notification-\$7.50 per abutter (in all cases).
Legal Ad-\$130.00

I/We being duly sworn, depose and say that I am/We are the owner(s)/lessee(s) of land in the application and that the foregoing statement herein contained and attached, and information or attached exhibits thoroughly to the best of my/our ability present the arguments in behalf of the application herewith submitted and that the statements and attached exhibits above referred to are in all respect true and correct to the best of my/our knowledge and belief.

In addition, I/We understand this application must be filed with all pertinent information as it pertains to the requirements of the Town of Boscawen Zoning Ordinance and all other information requested or required by the Zoning Board of Adjustment in order to be considered complete. I/We understand that this application will not be filed until all required information has been received, and do further understand that the Town of Boscawen reserves the right to postpone this request until such time as the requirements are met.

Furthermore, I/We understand that I/We or our representative as stated on the application should appear at the public hearing. If photographs, documents, maps, or other materials are provided to the Board as evidence at the public hearing, said evidence will become the property of the Town of Boscawen and will remain on file for future reference. By law those instruments automatically become part of the public records and cannot be returned.

Also I/We recognize and understand that the public hearing before the Board of Adjustment regarding land development is considered quasi-judicial in nature. State and local law strictly prohibits applicants and/or interested parties from participating in ex-parte communications with Board members in person, by phone, e-mail, or in writing before the application is discussed at a public hearing.

Also I/We by filing this application hereby give permission to the Boscawen Zoning Board of Adjustment, Town Engineers, Road Agent, and such employees or agents of the Town as The ZBA may authorize to enter upon the property, which is the subject of this application, at all reasonable times for the purpose of conducting examinations, surveys, tests, inspections as may be appropriate; to enable release of any claim or right we may now or hereafter possess against any of the above individuals as a result of any examinations, survey tests, or inspections, conducted on my/our property in connection with this application.

Applicant's signature: <u>A. Tauber</u>	Applicant's Signature: _____
Applicant's printed name: <u>A. TAUBER</u>	Applicant's printed name: _____
Date: <u>7/25/16</u>	Date: ____/____/____
Owner's signature: <u>A. Tauber</u>	Owner's signature: _____
Owner's printed name: <u>A. TAUBER</u>	Owner's printed name: _____
Date: <u>7/25/16</u>	Date: ____/____/____

4. The values of surrounding properties are not diminished:

The value of the adjoining properties are increased.

5. Literal enforcement of the ordinance would result in unnecessary hardship.

A. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in unnecessary hardship because:

- i. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

1) Preserves agricultural use
2) least impact on wetlands + environment
3) enhances the sense of community that is critical for the Institute

AND

- ii. The proposed use is a reasonable one because: No substance impact on the abutter; in fact, the immediate abutter is in favor of this variance. 2) physical hardship to select another site. 3) economically most efficient/cost effect

B. Explain how, if criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

We make this request - in addition to the reasons cited above - because we can use the infrastructure for this expansion.

Applicant's signature: A. Tauber

Applicant's printed name: A. TAUBER

Date: 7/25/16

Applicant's Signature: _____

Applicant's printed name: _____

Date: ____/____/____

Owner's signature: A. Tauber

Owner's printed name: A. TAUBER

Date: 7/25/16

Owner's signature: _____

Owner's printed name: _____

Date: ____/____/____

Town of Boscawen prohibits discrimination on the basis of race, color, national origin, sex, sexual orientation, religion, age, disability, marital or family status. Boscawen is an equal opportunity employer.

OWNER INFORMATION

SALES HISTORY

Date	Book	Page	Type	Price	Grantor
10/20/2011	3278	463	U V 36		1 AVALOCH FARM
08/02/2011	3266	0724	U V 24	95,000	LEWIS AND ROY TRUSTEES
07/20/2011	3264	442	U V 36		1 TAUBER, ALFRED I
06/19/2008	3072	1061	U V 24	175,000	FRENCH, DAVID L & SUZA
08/17/1989	1805	0702	U V 38		1 GRACE E FRENCH

NOTES

FARM LAND=SPI 64%; PLANS #10880Z & #19719; REMOVE 20% REC DUE TO LTR TO BOS 10/11; CABINS= 40 COND=OPEN STUD NO SIDING; 50 COND=OPEN STUD SIDED; 2/14, EST BLDG & XFOBS 100%, REMOVE UC; PU LIGHTS & KOHLER GEN; 3/14 MINOR RENOS TO NEW NORTH WING; 6/14; TAXABLE PORTION OF THIS PARCEL IS ON 47-56-TAX2;

LISTING HISTORY

Feature Type	Units	Length x Width	Size Adj	Rate	Cond	Market Value	Notes
CABIN	384	24 x 16	102	25.00	100	9,792	INCL EPF
CABIN	384	24 x 16	102	25.00	100	9,792	INCL EPF
GENERATOR-COMMERCIAL	1		100	10,000.00	100	10,000	KOHLER
LIGHTS-PARKING LOT	12		100	1,500.00	20	3,600	
						33,200	

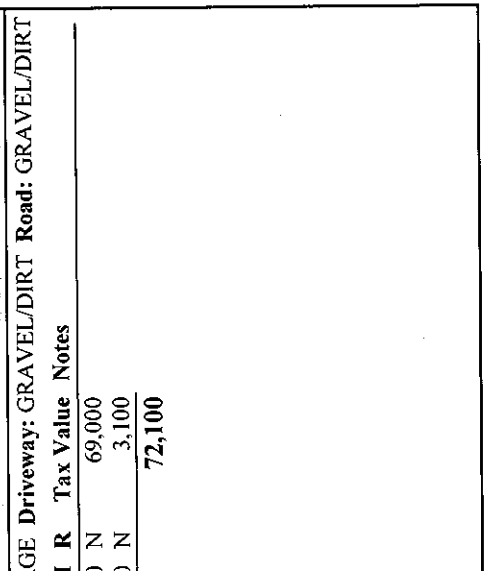
EXTRA FEATURES VALUATION

LAND VALUATION

Land Type	Units	Base Rate	NC	Adj	Site	Road	DW	Way	Topography	Cond	Ad Valorem	SPI	R	Tax Value	Notes
EXEMPT-MUNIC	2,750 ac	68,000	D	90	100	95	100	--	LEVEL	125	69,000	0	N	69,000	
EXEMPT-MUNIC	1,530 ac	x 2,000	X	100				--	LEVEL	100	3,100	0	N	3,100	
	4,280 ac													72,100	

PARCEL TOTAL TAXABLE VALUE

Year	Building	Features	Land
2014	\$ 1,167,900	\$ 33,200	\$ 72,100
	Parcel Total: \$ 1,273,200		
2015	\$ 1,167,900	\$ 33,200	\$ 72,100
	Parcel Total: \$ 1,273,200		
2016	\$ 1,167,900	\$ 33,200	\$ 72,100
	Parcel Total: \$ 1,273,200		



MUNICIPAL SOFTWARE BY AVITAR

BOSCAWEN ASSESSING OFFICE

Site: AVERAGE Driveway: GRAVEL/DIRT Road: GRAVEL/DIRT

BOSCAWEN -- Selected Owners Listed by Parcel ID 08/01/2016

Map	Lot	Sub	Owner	Owner -- Secondary	Address	Address -- Secondary	Town/City	State	Zip Code +4
000047	000056	000001	ROY, GARY	ROY, BETH	216 CORN HILL ROAD		BOSCAWEN	NH	03303
000047	000056	000002	AVALOCH FARM MUSIC INSTITUTE		16 HARDY LANE		BOSCAWEN	NH	03303
000047	000057	000000			16 HARDY LANE		BOSCAWEN	NH	03303
000047	000058	000000			16 HARDY LANE		BOSCAWEN	NH	03303
000047	000059	000000			16 HARDY LANE		BOSCAWEN	NH	03303
000096	000005	000000	HARDY, ALAN H	& PAMELA W	219 WATER STREET		BOSCAWEN	NH	03303
000096	000007	000000	TAUBER, ALFRED I		22 HARDY LANE		BOSCAWEN	NH	03303
000096	000007	000001			22 HARDY LANE		BOSCAWEN	NH	03303

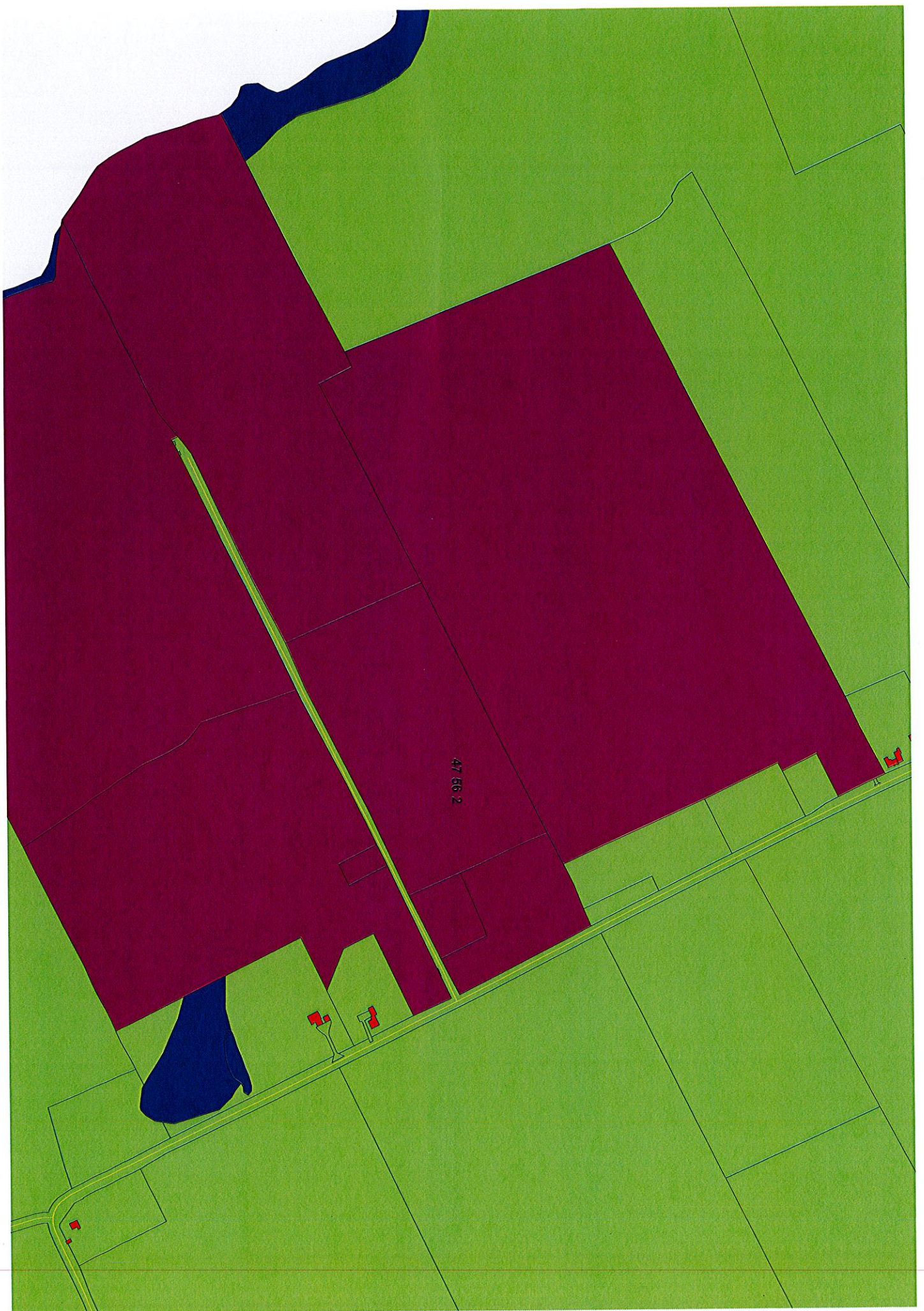
Northpoint Engineering LLC
Kevin Leonard, PE
5 Sheep Davis Road
Suite F
Pembroke NH 03275

FWS Land Surveying PLLC
56 Boyce Road
Canterbury NH 03224

AFMI Abutters List

47 56 2

Variance
08.23.16





Town of Boscawen

116 North Main Street, Boscawen, NH 03303 | Telephone: 603.753.9188 | Fax: 603.753.9183

Zoning Board of Adjustment

Members

Dr. Gail Devoid, PhD
Chair

Doug Supry
Vice-Chair

Tracy Jo Bartlett
Member

Edward J. Cherian, Jr.
Member

Bradley Parker
Member

Ann Dominguez
Alternate Member

Roger W. Sanborn
Ex-Officio (Voting)

Zoning Board of Adjustment Application Fees:

<input type="checkbox"/> Appeal for Administrative Decision(3402.12):		N/C
<input type="checkbox"/> Equitable Waiver of Dimensional(3402.12):	\$50.00	\$ _____
<input type="checkbox"/> Special Exception Application Fee(3402.12):	\$ 50.00	\$ _____
<input checked="" type="checkbox"/> Variance Application Fee(3402.12):	\$ 100.00	\$ <u>100.00</u>

General Fees for All Appeals:

<input checked="" type="checkbox"/> Printing Fees (See Attached) (3402.01):		\$ <u>37.50</u>
<input checked="" type="checkbox"/> Legal Advertisement in the Concord Monitor(3402.11):	\$130.00	\$ <u>130.00</u>
<input checked="" type="checkbox"/> Certified notification (3402.10) to each abutter & applicant at \$7.50 ea.	<u>6</u>	\$ <u>45.00</u>
		\$ <u>202.50</u>

Please make checks payable to Town of Boscawen

Thank You!

Revised 12.03.14

AFMI Fees

47 56 2

Variance

08.23.16



Town of Boscawen

116 North Main Street, Boscawen, NH 03303 | Telephone: 603.753.9188 | Fax: 603.753.9183

Board of Selectmen

Members

Roger W. Sanborn
Chair

Bernard O. Davis, Jr.
Member

Mark E. Varney
Member

Fees for Reprographic Services

Size/Type	#	Printing	Scanning	Ordinance	Application Printing Fees/Pkg	Total
8.5x11		\$0.15	\$0.50			
8.5x14		\$0.15	\$0.50			
11x17		\$1.00	\$0.50			
17x22	<i>100</i>	\$2.00	\$1.00			<i>22.00</i>
22x34		\$4.00	\$1.00			
36x48		\$8.00	\$1.00			
Zoning						
Subdivision					37.50	
Site Plan Review					25.00	
Conditional Use					25.00	
Special Ex & Variance					37.50	<i>37.50</i>
Total Printing Fees:						<i>37.50</i>

DB

PO

PO

ZBA

Payable by Cash or Check only

The Town of Boscawen prohibits discrimination on the basis of race, color, national origin, sex, sexual orientation, religion, age, disability, marital or family status. Boscawen is an equal opportunity employer.