



Chesterfield Zoning Board of Adjustment Notice and Instructions to Applicants

Overview "Zoning" refers to land use controls approved and amended at the local level as a legislative function (i.e. Town Meeting). Zoning regulations are intended to guide and control the direction of future growth in the community. Acting in a quasi-judicial capacity, the Zoning Board of Adjustment (ZBA) functions as a "constitutional safety valve" for the protection of the citizens. Generally, the ZBA evaluates whether an application merits relief (in the form of variance or special exception) from the ordinary application of the zoning ordinance. Additionally, the ZBA considers appeals of zoning related administrative decisions. The express powers of the ZBA are defined by several state statutes including, but not limited to, RSA 674:33. Processes by which the ZBA conducts its affairs are governed by both state statutes and Rules of Procedure (by-laws) adopted by the ZBA. It is strongly recommended that before making any application to the ZBA applicants become familiar with the types of appeals made to the ZBA and the criteria set forth for any zone as well as town wide in Chesterfield Zoning Ordinance, "The Board of Adjustment in New Hampshire A Handbook for Local Officials" both found at <https://chesterfield.nh.gov/zoning-board-of-adjustment/>, and the NH Statutes (RSA Chapters 672-677) found at <http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-LXIV.htm>. It is the applicant's responsibility to be properly prepared and familiar with applicable laws and regulations pertaining to their appeal. Applicants having questions regarding the applicability of the Zoning Ordinance, application requirements, or the application process are encouraged to contact a professional.

Application Requirements/Complete Applications: The ZBA has established basic application requirements which collectively constitute a complete application. These requirements are set forth in checklist fashion within the respective application forms to be completed by the applicant. The ZBA requires that only complete applications be scheduled for public hearing. Photographs showing the area of the property for which relief is sought are not necessarily required as part of an application but are encouraged. Applicants may choose to submit photographs in support of their application.

Plot Plans One of the application requirements is a plot plan. The plot plan provides a visual presentation of the applicant's intentions. Accuracy and completeness are particularly important. The ZBA has established the content requirements of the plot plan.

Plot plan requirements are also included in the application in checklist fashion to be completed by the applicant. If a plot plan is submitted that does not address each of the plot plan checklist requirements the application will be deemed "incomplete" and will not be scheduled for public hearing.

The ZBA requires that in instances of dimensional relief for wetlands setback is sought or if there is uncertainty of a lot dimension, the plot plan shall be prepared by a NH licensed land Surveyor.

There may be circumstances when it is appropriate to depict only a portion of the subject property on the plot plan. This is acceptable PROVIDED the scope of the plot plan sufficiently and clearly depicts the entirety of the applicant's intentions.

Topographic information is not a requirement of all plot plans. However, topographic information may be provided to clarify when runoff may be an issue or if topography is relevant to the reasoning in support of an application.

Plot plans are not required of applications pertaining to: A) appeals of an administrative decision (provided the appeal is not dimensional in nature); and B) appeals seeking a variance to permit a land use not provided for in the Zoning Ordinance.

Notwithstanding the above, the ZBA reserves the right to require additional information as it determines necessary to make an informed decision.

Application Deadlines & Filing the ZBA has established deadlines for the filing of applications in anticipation of future meeting/hearing dates. Complete applications are due by noon twenty-one (21) calendar days before a meeting. Meetings are generally the second Thursday of each month. Be sure to check the town website for current meeting dates. If required information is not filed by the application deadline the board and /or abutters do not have sufficient review opportunity. This will result in the rejection of the application as incomplete. Complete applications must be filed with the Clerk of the Zoning Board at the Selectman's office located at 490 Rt 63 by noon at least 21 calendar days ahead of a regularly scheduled meeting.

Supplemental information, provided the original application has been deemed complete, may be submitted no later than noon three days before the scheduled hearing. Please refer to the Chesterfield ZBA Schedule and Application Due Dates as approved by the Board. Any changes to application plans should be appropriately signed and dated and reflect the appropriate plan/document revision.

Application Review The Zoning Clerk, or in his/her absence, the Chairman of the ZBA or the Chairman's designee shall review all ZBA applications to determine whether all requirements for filing have been met (whether all required forms have been fully completed and all items on the checklists have been signed and submitted). If such person determines that an application is complete it will be placed on the agenda for consideration and hearing by the ZBA at a regularly scheduled public meeting. If an application is determined to be incomplete, it will not be scheduled for public hearing. Incomplete applications will be returned to the applicant with an explanation of the outstanding items. Such decisions regarding incomplete applications may be appealed as a decision of an administrative official under RSA674:33, 1 (a). Applications filed and deemed incomplete will experience delay. To avoid delay applicants are strongly encouraged to file the application well in advance of the deadline. Doing so provides an opportunity for an administrative review of completeness and an explanation of outstanding items, if any. Filing an application well in advance of a deadline allows an applicant to address application deficiencies prior to the deadline, thus avoiding delay.

Approvals Required for both Land Use Boards In instances where Special Exception is required of projects which are subject to site plan approval by the Planning Board the Conditional Approval Notice of Decision from the Planning Board shall be filed with the ZBA as part of any application for Special Exception. Example GS precision <https://chesterfield.nh.gov/wp-content/uploads/2018/09/ZBA-August-14-2018.pdf>

I have read the above instructions and understand that it is my responsibility to ensure all information I submit is accurate and complete.

Signature _____ Print _____

Date _____

Signature _____ Print _____

Date _____

**Chesterfield Zoning Board of Adjustment
Variance Application Checklist**

ITEM	REQUIRED	SUBMITTED
1. Completed Application and packet. Signed by owner(s)	X	
2. Abutters list with envelopes, certified postage, and labels	X	
3. Payment of Application and Notification Fees	X	
4. Property Tax Sheets (http://gis.vgsi.com/chesterfieldnh/)	X	
5. Copies of any previous applications to ZBA for property regardless of ownership	X	
6. Computed existing & proposed lot coverage including % lot area of structure & impermeable surfaces	X	
7. Eight hard copies of entire packet including 11" X 17" plans	X	
8. Digital copy of entire signed packet and plans (as PDF email attachment)	X	
9. Elevation drawings for all proposed structures including critical dimensions	X	
10. One or more 18" X 24" or larger copies of plot plan	X	
11. Signed permission for Site Visit	X	
12. Letter authorizing another individual to present application		
PLOT PLAN CHECKLIST		
A. Eight 11"X 17" paper, one 18"X 24" paper, and one digital plot plan as noted above, signed & dated.	X	
B. Name and signature of preparer	X	
C. Plan prepared by NH licensed surveyor including signature, date, and professional seal when any dimensional relief is requested	X	
D. Owners of record (include deed)	X	
E. Scale, North Arrow, and date on plan	X	
F. Tax map and lot number (include copy of map separate sheet) https://chesterfield.nh.gov/tax-maps/	X	
G. Street Address	X	
H. Zoning District where property is located	X	
I. Lot lines with dimensions and any bounding streets and their right of way and widths or elevations	X	
J. Lot line setbacks as per Zoning District	X	
K. Location and dimensions of all existing and proposed structures. Must be distinguishable	X	
L. Dimensions for all existing and proposed setback encroachments. Must be distinguishable	X	
M. Indications of the direction(s) of proposed surface run off where earth disturbance is proposed	X	
N. Other site features as may be present including but not limited to utilities, septic system, well, driveways, existing easements, streams, wetlands, buffer zones, exposed ledge, accessory structures, parking areas, location and dimensions of existing or required service areas, buffer zones, landscaped areas, recreation areas, safety zones, signs, rights-of-way, streams, drainage, easements, and any other requirements	X	
If Required -Elevations, curb heights and contours. Location and numbering of parking spaces and lanes with their dimensions. Indicate how required parking spaces are computed Dimensions and directions of traffic lanes and exits and entrances		

Signature _____ Print _____ Date _____
 Signature _____ Print _____ Date _____



Chesterfield Zoning Board of Adjustment

Abutter Information and Requirements

Payment Information

Abutters: Provide a complete list of all abutters of the property involved in this appeal with their current mailing addresses and tax map numbers, which can be found at the Town of Chesterfield Selectman's Office. If an abutter owns more than one parcel, please list each parcel separately. Include the names and addresses of all abutters, including those to the rear, sides, and front of the property and including those across the street, roads, stream, and right-of-way and within 200 feet of the property in question. (Failure to provide complete information on all abutters will result in the application being returned as incomplete).

For each abutter, the applicant or agent shall provide:

1. A blank, white, #10 envelope, blank certified postage slip and blank return receipt slip.
2. Three (3) printed mail labels (1" X 2 1/2") for each abutter(s), applicant(s), owner(s), and agent(s) with names and mailing addresses. These will go on the certified mail slip, return receipt slip, and envelope, so the labels must be that size.
3. A check for total certified postage made out to the **Postmaster Town of Chesterfield**. Please verify postage cost with the Zoning Board Secretary.

*If an abutter owns more than one parcel, you only need one envelope, one set of postage parts, and one set of labels.

*Only one letter will be sent to an owner of multiple abutting parcels.

Payment: A check for \$50.00 made out to the **Town of Chesterfield**.

Funds to be disbursed as follows:
Board of Adjustment filing fee \$50.00



Chesterfield Zoning Board of Adjustment
Abutters List

Name _____
Address _____

Name _____
Address _____

Map & Lot # _____

Map & Lot # _____

Name _____
Address _____

Name _____
Address _____

Map & Lot # _____

Map & Lot # _____

Name _____
Address _____

Name _____
Address _____

Map & Lot # _____

Map & Lot # _____

Name _____
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Address _____

Map & Lot # _____

Map & Lot # _____

Name _____
Address _____

Name _____
Address _____

Map & Lot # _____

Map & Lot # _____

Name _____
Address _____

Name _____
Address _____



Zoning Board of Adjustment
Building/Structure and Lot Impermeable Surface
Lot Coverage Calculation - SAMPLE

Calculating Building and Lot Coverage Percentages

Structure - Any temporary or permanently constructed, erected or placed material or combination of materials in or upon the ground, including, but not limited to buildings, manufactured housing units, radio towers, sheds and storage bins, storage tanks, portable carports, stairs, decks, patios, solar panels swimming pools, tennis courts, parking lots, driveways, dumpsters, and on-site waste disposal systems.

Building/Structure Coverage – The aggregate cross-sectional area of all buildings/structures on the lot including accessory buildings.

Impermeable/impervious Coverage – All that horizontal area of a lot, parcel, or ~~land~~ due to manmade alterations to the natural surface of the land including structures, parking lot, and driveway areas or other development. All area beneath a structure is impervious. All portions of any ground mounted solar panels other than the portion in direct contact with the ground are considered permeable. All portions of underground waste disposal systems, along with necessary access cover, vents, and risers for pump out and inspection are considered permeable.

Lot Coverage – The percentage of lot area (which may not include any part of the street right-of-way) that is covered by impervious/impermeable cover.

Lot dimension	Lot Area	
200'X200'	40,000 SF	
How to calculate building/structure coverage percentage		
Building/Structure	Dimension	Square Footage (SF)
House	30'X60'	1800 SF
Garage	10'X12'	120 SF
Shed	10'X10'	100SF
Deck	14'X30'	<u>420SF</u>
Pool	20'X40'	<u>800SF</u>
Driveway		<u>300SF</u>
Total building Coverage		3240SF
Structure Coverage Percentage	Total Structure coverage/Lot areaX100	3240/40000X100= 8.1%
How to Calculate Total Lot Impermeable Coverage Percentage		
All Impervious Items	Dimension	Square Footage (SF)
Crushed Stone Garden		1400SF
Driveway		300SF
Side Walks		288SF
Building Coverage		<u>3240SF</u>
Total Lot Coverage		5228SF
Lot Coverage Percentage	Total lot coverage/lot areaX100	5228SF/40000X100=13.1%



Chesterfield Zoning Board of Adjustment

Building Coverage Calculation Sheet

(To be completed by homeowner, licensed architect, or engineer only)

Map _____ Lot _____

Property Address _____

Select one (or more if property is in two zones) of the following:

Zone R, R/A, V and Lake District: Building coverage shall not exceed ten percent (10%) of the area of a lot (B). Total impermeable coverage (including building coverage) shall not exceed twenty percent (20%) of the lot (C).

Zone O/R/S District: Building shall not exceed twenty (20%) of the area of a lot (B). Total impermeable coverage (including building coverage) shall not exceed fifty percent (50%) of the lot (C).

Zone C/I District: Building shall not exceed fifty (50%) of the area of a lot (B). Total impermeable coverage (including building coverage) shall not exceed seventy percent (70%) of the lot (C).

The following page contains the worksheet for calculating building/structure lot coverage as well as total impermeable lot coverage and percentage. Please take special care to assure accuracy.

SAMPLE

Chesterfield Zoning Board of Adjustment

Coverage and Volume Calculation Sheet

Dated 7/24/22

(To be completed by property owner or designee)

Coverage Calculation

Lot Dimensions		Existing Dimensions	Original	Proposed
		Feet	SF	SF
Total square footage of lot = "A"		200' x 200'	40000	40000
STRUCTURES WITHIN THE PROPERTY LINE				
house (including porches, steps, attached garage)		40'x60'	1800	2400
detached garage		10'x12'	120	120
shed(s)		10'x10'	100	100
deck, raised patios, etc.		14'x30'	420	420
pool measured from interior walls		20'x40'	800	800
A/C units, generators/pads, etc		0	0	0
driveway		15'x30'	300	450
other (identify specific structure)		0	0	0
Total square footage of structures SF= "B"		SF	3540	4290
Ratio of buildings/structures to lot (B/A)x100			8.9%	10.7%

Only for Non-Conforming expansion variance

Existing volume	Proposed volume	Change of volume	Change of volume (%)
CF	CF	CF	
13172	14569	1397	10.6%
900	1400	500	55.6%
Volume expansion judged on its own individual merit		Not subject to cumulative structures	

Volume expansion
judged on its own
individual merit

Not subject to cumulative structures

TOTAL BUILDINGS AND IMPERVIOUS COVERAGE

total square footage of lot* SF="A"		40000	40000
total buildings/structures(B) from	SF	3540	4290
all pavers	10'x45'	300	450
all walkways	SF	0	0
all patios	20'x8'	80	160
other	SF		
Total square footage of impervious surface SF = "C"	SF	3920	4900
Ratio of impervious surface to lot (C/A) x100		9.8%	12.3%

* Lot size is considered to be as recorded on the vision property sheet unless a signed, dated, recorded surveyed property map is provided. <https://www.chesterfield.nh.gov/tax-maps-property-cards/pages/property-cards>

The undersigned states that he/she completed the above buildings/structures and impermeable surface coverage calculations and represents that the figures are accurate.

Signatures(s): _____

Names(s) Print: _____

Chesterfield Zoning Board of Adjustment

Coverage and Volume Calculation Sheet

Dated: 7/24/22

(To be completed by property owner or designee)

Coverage Calculation

Only for Non-Conforming expansion variance

Lot Dimensions	Existing Dimensions	Original	Proposed	Existing volume	Proposed volume	Change of volume	Change of volume (%)
		Feet	SF				
Total square footage of lot = "A"		A	A				
STRUCTURES WITHIN THE PROPERTY LINE							
house (including porches, steps,							
detached garage							
shed(s)							
deck, raised patios, etc.							
pool measured from interior walls							
A/C units, generators/pads, etc							
driveway							
other (identify specific structure)							
Total square footage of structures SF= "B"		B	B				
Ratio of buildings/structures to lot (B/A)x100		%	%				
TOTAL BUILDINGS AND IMPERVIOUS COVERAGE							
total square footage of lot* SF="A"		A	A				
total buildings/structures(B) from above							
all pavers							
all walkways							
all patios							
other							
Total square footage of impervious surface SF = "C"		C	C				
Ratio of impervious surface to lot (C/A) x100		%	%				

* Lot size is considered to be as recorded on the vision property sheet unless a signed, dated, recorded surveyed property map is provided.
<https://www.chesterfield.nh.gov/tax-maps-property-cards/pages/property-cards>

The undersigned states that he/she completed the above buildings/structures and impermeable surface coverage calculations and represents that the figures are accurate.

Signatures(s): _____

Names(s) Print: _____

Date: _____



Chesterfield Zoning Board of Adjustment

Application for Variance

A variance is requested from Article _____ Section _____ of the zoning ordinance to permit _____

Facts supporting this request:

1 The variance is not contrary to the public interest because: _____

2. The variance will not be contrary to the spirit and intent of the ordinance because: _____

3. Substantial justice is done because: _____

4. The variance will not diminish the values of surrounding properties because: _____

5. Literal enforcement of the ordinance would result in unnecessary hardship
A) Because of the special conditions of the property that distinguish it from other properties in the area:
a) There is no fair and substantial relationship between the general public purposes of the ordinance provision and the specific application of that provision to the property _____

AND b) The proposed use is a reasonable one _____

B) If the criteria in subparagraph A are not established, an unnecessary hardship will be deemed if and only if owing to the 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. _____

List any prior variance requests for this property including date regardless of owner _____

Applicant(s) signature(s) _____ Date _____



Chesterfield Zoning Board of Adjustment
Application for Special Exception

Special Exception

Description of proposed use showing justification for a special exception as specified in Zoning Article _____ Section _____

Criteria for Special Exceptions (All Must Apply):

True/False

1. _____ The Zoning Ordinance specifically authorizes the Special Exception.
2. _____ The proposed use will not be injurious or detrimental to the neighbors.
3. _____ Any special conditions required by Article II, III, or V of the Zoning Ordinance will be complied with.
4. _____ The proposed use will not make an excessive demand on municipal services.
5. _____ The proposed use will not generate traffic volumes that will overburden existing roads or streets.

6. _____ The proposed use will not have an adverse impact on the natural environment.

Applicant(s) Signature(s) _____ Date _____



**Chesterfield Zoning Board of Adjustment
Application for an Appeal From an
Administrative Decision**

Appeal From an Administrative Decision

Relating to the interpretation and enforcement of the provisions of the Zoning Ordinance.

Decision of the enforcement officer to be reviewed:

Article _____ Section _____ of the Zoning Ordinance in question:

Applicant(s) Signature(s) _____ Date _____



Chesterfield Zoning Board of Appeals
Application for Equitable Waiver of
Dimensional Requirements

The undersigned hereby requests an Equitable Waiver to the terms of Article _____, Section _____, and asks that said terms be waived to permit:

_____ in Zone _____.

Does the request involve a dimensional requirement, not a use restriction? Yes/No

674:33-a Equitable Waiver of Dimensional Requirement

- 1 When a lot or other division of land, or structure thereupon, is discovered to be in violation of a physical layout or dimensional requirement imposed by a zoning ordinance enacted pursuant to RSA 67:4:16, the ZBA shall, upon application by and with the burden of proof on the property owner, grant an equitable waiver from the requirement, if and only if the board makes all of the following findings:

Please explain a - d

(a) That the violation was not noticed or discovered by any owner, former owner, owner's agent or representative, or municipal official until after a structure in violation had been substantially completed, or until after a lot or other division of land in violation had been subdivided by conveyance to a bona fide purchaser for value:

(b) That the violation was not an outcome of ignorance of the law or ordinance, failure to inquire, obfuscation, misrepresentation, or bad faith on the part of any owner, owner's agent or representative, but was instead caused by either a good faith error in measurement or calculation made by an owner or owner's agent, or by an error in ordinance interpretation or applicability made by a municipal official in the process of issuing a permit over which that official had authority:



Chesterfield Zoning Board of Appeals
Application for Equitable Waiver of
Dimensional Requirements

(c) That the physical or dimensional violation does not constitute a public or private nuisance, nor diminish the value of other property in the area, nor interfere with or adversely affect any present or permissible future uses of any such property; and _____

(d) That due to the degree of past construction or investment made in ignorance of the facts constituting the violation, the cost of correction so far outweighs any public benefit to be gained, that it would be inequitable to require the violation to be corrected. _____

I. In lieu of the findings required by the board under subparagraphs 1(a) and (b), the owner may demonstrate to the satisfaction of the board that the violation has existed for 10 years or more, and that no enforcement action including written notice of violation has been commenced against the violation during that time by the municipality or any person directly affected.

II. Application and hearing procedures for equitable waivers under this section shall be governed by RSA 676:5 through 7. Rehearings and appeals shall be governed by RSA 677:2 through 14.

III. Waivers shall be granted under this section only from physical layout, mathematical or dimensional requirements, and not from use restrictions. An equitable waiver granted under this section shall not be construed as a nonconforming use, and shall not exempt future use, construction, reconstruction, or additions on the property from full compliance with the ordinance. This section shall not be construed to alter the principle that owners of land are bound by constructive knowledge of all applicable requirements. This section shall not be construed to impose upon municipal officials any duty to guarantee the correctness of plans reviewed by them or property inspected by them.

NOTE: The Board must find in the affirmative on all four questions (a through d) or the request must be denied.

By my signature, I give my permission to the ZBA Members and Building Inspector to have access to my property for viewing purposes regarding this application.

Signature of Applicant(s): _____ Date: _____
Signature of Applicants(s): _____ Date: _____
Contact Numbers (home) _____ (office) _____
(cell) _____



Chesterfield Zoning Board of Adjustment
Permission for Site Visit

This document must be signed by all landowners as listed on the deed(s)

I/we _____ and _____ as landowner(s) and/or Trustees of the land listed below, authorize the members of the Chesterfield Zoning Board of Adjustment, it's agents and assignee to enter the premises for purposes of site review in conjunction with the _____ application submitted on ____ / ____ / _____. I/we further acknowledge that any site visit attended by a quorum of the Chesterfield Zoning Board of Adjustment constitutes a public meeting. Any such meeting shall be noticed and open to the non-board public. I/we authorize public access to the site under such circumstances where an onsite meeting is called for by the Chesterfield Zoning Board of Adjustment.

Location of land: _____

Map _____ **Lot** _____

Map _____ **Lot** _____

Signature _____ **Date** _____

Print _____

Signature _____ **Date** _____

Print _____



**Chesterfield Zoning Board of Adjustment
Authorization form for Representation
(Individual or Joint Owner)**

Please complete this form if someone other than the owner is representing the property owner in this matter.

I, _____ authorize
Please Print Name(s) of Owner(s) as appears on the deed

Please Print Name of Representative

to be the representative for this application and act on my/our behalf before the Town of Chesterfield.

Signature of Owner

Signature of Joint/Co-owner

Subscribed and sworn to (or affirmed) before me on this _____

Date

by _____
Name of Owner

He/She is personally known to me or has presented _____ as identification.

Notary's Signature and Seal

PO Box 175
Chesterfield, NH 03443



603-363-4624
www.nhchesterfield.com

WAIVER TO BE HEARD BY FULL ZONING BOARD OF ADJUSTMENT

The Chesterfield Zoning Board of Adjustment recognizes in its Rules and Procedures, the allowance of applicants to be heard by less than five (5) voting board members or continuing to the next scheduled meeting.

B. In the event it is not feasible to constitute a five (5) member Board, the Chair shall, prior to the commencement of any hearing, allow the applicant the opportunity to elect to either proceed with the Board then sitting and sign a waiver waiving their rights to a five (5) member Board, or table the application until the next regularly scheduled meeting of the Board.

By completing and signing this form, the applicant (or representative) is entering into the agreement that they have waived the right to be heard by a five (5) member Board.

I (applicant(s) or representative party) formally waive my right to have my Chesterfield Zoning Board of Adjustment application heard and debated by a full board of voting members.

Applicant: _____

Applicant: _____

Date of Hearing: _____

If the applicant(s) (or representative) wish to be heard by a full board, they have the choice to request **before deliberation begins**, to have their hearing continued to the next scheduled meeting of the Zoning Board. By completing and signing this form, the applicant is formally requesting for the allowance stated below:

If it is not feasible to constitute a five (5) member board, I (applicant(s) or representative party) formally request to have my Zoning Board of Adjustment application heard and debated by a full board of voting members at the next regularly scheduled board meeting.

Applicant: _____

Applicant: _____

Date of Hearing: _____

Date of Next Scheduled ZBA Meeting: _____