



Town of Wilton, NH

Request for a Rehearing

(Revised January 2011)

Instructions

The Zoning Board cannot consider a request for a rehearing unless it is received in the Town Office, complete, with all fees paid and abutter labels included, no later than the deadline date. A Zoning Board decision cannot be appealed in court if a proper rehearing request has not been submitted.

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.

Instructions

Use this form to ask the Zoning Board to hold a new hearing to reconsider a decision that it made at a previous meeting.

Appeals process

Anyone who wants to challenge a decision of the Zoning Board must begin by requesting a rehearing.

If the Zoning Board denies your request for a rehearing, or if it holds a rehearing but reaffirms its original decision, then you can appeal the decision to Superior Court.

If the Zoning Board holds a rehearing and changes its original decision, then anyone who disagrees with the changed decision can start the process over by requesting a new rehearing.

See RSA 677:2 - 677:4 for more details on the rehearing and appeals process.

Who can request a rehearing?

The following people can request a rehearing:

- The original applicant
- The owner of the property involved in the application
- The Board of Selectmen
- An abutter, or anyone else who was legally required to be notified of the original hearing.
- Anyone who is directly affected by the decision. (Economic competition does not count as being "directly affected.")

Kinds of decisions

If the Zoning Board denied the original application, then someone in favor of the application might appeal the decision.

If the Zoning Board approved the original application as submitted, then someone opposed to the application might appeal the decision.

If the Zoning Board approved the original application with restrictions, conditions, or modifications, then the someone in favor of the application might appeal the restrictions, conditions, or modifications, while someone opposed to the application might appeal the decision to approve the application at all.

Deadline

The request must be filed in the Town Office no later than 30 days after the day on which the Zoning Board made its decision.

If the minutes of the meeting at which the decision was made are posted more than six days after the meeting, then you can change your request any time up to 30 days after the minutes are posted.

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Fees

The original applicant, owner, or selectmen may request a rehearing without paying any additional fee.

The fee for a rehearing requested by anyone else is the same as the original application fee (\$100, plus \$6 for each abutter). This fee must be paid when the request for a rehearing is submitted, but will be refunded if the Zoning Board decides not to hold a rehearing.

Abutters

You must provide two sets of adhesive mailing labels, no larger than $1\frac{1}{2} \times 3\frac{1}{4}$ inches, for all the abutters on the list that was submitted with the original application.



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Case Information

ZBA Case Number of the original application: _____

Date of the decision: _____

If the original application included more than one specific application, which ones does this request apply to? _____

Requestor

Information about the person who is requesting the rehearing.

Name _____

Mailing address _____

Mailing address _____

Town, State, ZIP _____

You are (check one):

- the original applicant
- the owner of the property
- the Board of Selectmen
- an abutter or other party who was required to be notified of the original application
- a party directly affected by the decision

If you checked the last box, explain how you are directly affected by the decision: _____

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

Signature _____ Date _____

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clerk use only

Date and time received: _____

Received by: _____ Amount paid: _____

Abutter labels included



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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 requestor _____ 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 Request

You are requesting that the Zoning Board reconsider (check one):

- its approval of the application
- its denial of the application
- the conditions, restrictions, or modifications it imposed when it approved the application

Reasons for a Rehearing

A motion for rehearing made under RSA 677:2 shall set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. No appeal from any order or decision of the zoning board of adjustment, a board of appeals, or the local legislative body shall be taken unless the appellant shall have made application for rehearing as provided in RSA 677:2; and, when such application shall have been made, no ground not set forth in the application shall be urged, relied on, or given any consideration by a court unless the court for good cause shown shall allow the appellant to specify additional grounds. (RSA 677:3)

Why do you believe that the Zoning Board should hold a new hearing?

Reasons for a rehearing usually fall into two categories:

- You have additional evidence or information that you believe might change the decision.
- The Zoning Board made mistakes in how it applied the law (state law, case law, or the Zoning Ordinance) to the facts of the case.

Parties to a zoning case are expected to have prepared their case before the hearing. Therefore, if you are requesting a rehearing to present new evidence or information, you should explain why you couldn't have presented that evidence or information at the original hearing.

The Zoning Board will usually not grant a rehearing to consider evidence that could have been presented at the original hearing.

Set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable (use this page; attach additional pages as necessary): _____
