

## WHAT TO DO WHEN THE ABUTTER'S NOTICE ARRIVES?

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One day your mailbox contains a notice that the town has sent you a "certified letter." What to do next? First, don't panic. You have received the letter because you abut a project proposed on your neighbor's property. Collect the letter from the post office. Then read it. It should tell you what project is proposed, by whom, and when a public hearing will be held about the proposed project.

Next, go to the Town Office and ask to see the application. The application is public and you have a right to see it. The application should provide you with more detail about the project. You may ask for copies of any documents in the file. Most towns make a modest charge for copies.

Next, find out what rules apply. If you don't have a copy of the Town zoning ordinance, or subdivision and site plan regulations, you can review them at the Town office or the Town website. Copies should be available for purchase.

If the notice to you is from the planning board, the application will probably be for *subdivision* or *site plan review*. If the notice to you is from the zoning board of adjustment (ZBA), the application will usually be for either: (a) a *variance* from the terms of the zoning ordinance; or (b) a *special exception*. A *variance* allows a use not normally allowed by the ordinance. A *special exception* allows a use permitted by the ordinance only if the Board finds the applicant has met certain conditions.

The Board will hold a public hearing on the application. The date, time and location of the hearing will be included in the notice you have received. You may attend the public hearing. You may voice your opinion, whether you support or oppose the project.

If you are opposed to the proposal, you should express your opinion verbally. But it is crucial that you submit a detailed summary of your opinion in writing. Include specific facts and ways in which the proposal does not conform to the requirements. Although a record keeper will record minutes of the meeting, minutes are imperfect. The only way for the record to reflect exactly what you intend to convey is to submit your opinion in writing.

Consider consulting legal counsel if you and other neighbors are strongly opposed. Creation of a record that includes all of the applicable law and legal arguments at the public hearing stage is crucial. This is your only opportunity to create the record.

The attorneys at Baldwin & Callen, PLLC [the words for the firm name should link to the website] would be pleased to speak with you about how we can help. We have argued for and against applications to Town boards and in Courts throughout New Hampshire. We are eager to put our experience to work for you. Call us at 603-225-2585 or contact us here.

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