

**BOARD OF ADJUSTMENT
PLAINFIELD, NEW HAMPSHIRE**

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold a public hearing on the following application on **Monday February 10th 2014 at 7pm at the Meriden Town Hall 110 Main Street in Meriden Village.**

Case 2014-01 Blow-Me-Down Snowriders: This application is filed under the practical difficulty provisions of RSA 674:41 and seeks relief to allow for the placement of a portable 10'x20' wooden structure to be used as a warming hut on club owned property (tax map 231 lot 7) accessed from Goodwin Road a class VI highway. In accordance with town ordinance 93-01 which governs development on class VI highways, the Selectboard has not issued a building permit for this project. In accordance with town policies a permit is required for any structure over 64 sq ft in size and/or for all buildings that will contain a heat source.

The full project file is available for public inspection at the town office located in the Meriden Town Hall at 110 Main Street. An electronic version of the application is available online at www.plainfieldnh.org/zba.html

While not required to attend, abutters and interested parties are encouraged to attend either in person or by counsel and state reasons why the application should or should not be granted.

Notice prepared by Stephen Halleran on behalf of the
PLAINFIELD ZONING BOARD OF ADJUSTMENT
January 23, 2014

PLAINFIELD ZONING BOARD OF ADJUSTMENT
APPLICATION FOR APPEAL

PLEASE READ: This form should be completed after discussions with the town's zoning administrator about the proposal. If you have not already done so, please contact the zoning administrator (469-3201).

Applicant's name: Blow-Me-Down S New Orleans

Mailing address: P.O. Box 221
Concord Flat NH 03306

Property Street address: N/A
Tax Map / Lot Number: 231/7
Zoning district: RS
Property owner of record: SAME

SEE Attached

Type of appeal (check one):

- variance
- special exception # _____
- administrative decision

*Proctered
different
6/24/11*

Applicants signature: Joh Bay Committee Chairperson

- Required Attachments:
- a) applicant signed description of the proposal.
 - b) site map(s) exterior/interior.
 - c) abutter list with mailing addresses.

Fee: application \$75
notification \$20 Total \$ 155

Hearing Date: 2/10/14

In order to be on the meeting agenda for the above date, your paid application must be received at the town office no later than Monday _____ (ZBA rule 9.3).

Office Use

date filed: 1/16/14
case number: 14-01
attachments: Y/n #155. -
fee paid: Y/n

LAND OWNER ABUTTERS
TO BMO LOT

KUA

PO Box 188

MERIDEN NH 03770

PAT PAGARI

61 ~~74~~ 74701 PO

Plainfield NH 03781

John Denny

PO Box 104

MERIDEN NH 03770

X Flow-Down SNOWBENS

PO BOX 221

Concord NH 03740

Blow Me Down Snowriders request for setting a small 10'*20' warming hut on our property located off Goodwin road in East Plainfield.

For the past few years our current larger warming hut located on KUA land nearby Goodwin road has been deteriorating badly and needs major renovation to restore. It is both logical and financially practical to construct (prefab) another one located on our own land thus fulfilling both the approval of our club and the wishes of the Rice family who donated this land to us for just this purpose. It would be portable by being built on skids and placed on cement blocks. The size is small enough to be portable yet large enough to hold a gathering of snowmobilers on the most chilling of winter days.

Our intent is to use in the winter months exclusively as a warming hut with a wood stove and maybe a table and bench located inside. It would provide warmth to snowmobilers and other winter recreational people in this area during cold snow cover months. It is feasible our club could elect to have a club cookout there during the off season but this could take place with or without the hut however the hut would allow the event to exist even with increment weather.

Being located in the same proximity as our existing hut indicates off season truck traffic would be very negligible as the Goodwin road basically dead ends at the state forest land and there are gates prohibiting access to KUA land during the off season. Off season 4 wheel drive vehicles tend to use class 6 roads that go from one location to another and provide rough and muddy sections to enhance their experience. This hut could be locked to non members during the offseason however we would prefer to leave open for local hikers to enjoy. We also have many members who live locally and would periodically monitor any unauthorized use of our land like any other land owner would.

Our thoughts are to have the building in place for the winter of 2014/15 and we would consent to KUA wishes as to what they would like us to do with the existing run down warming hut on their land.

Sincerely,

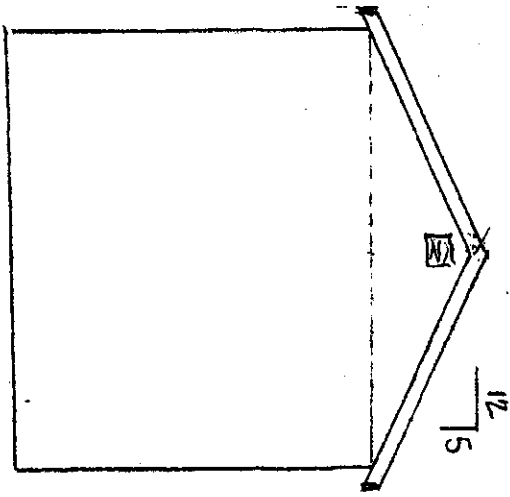
John Berry

A handwritten signature in black ink that reads "John Berry". The signature is written in a cursive, slightly slanted style.

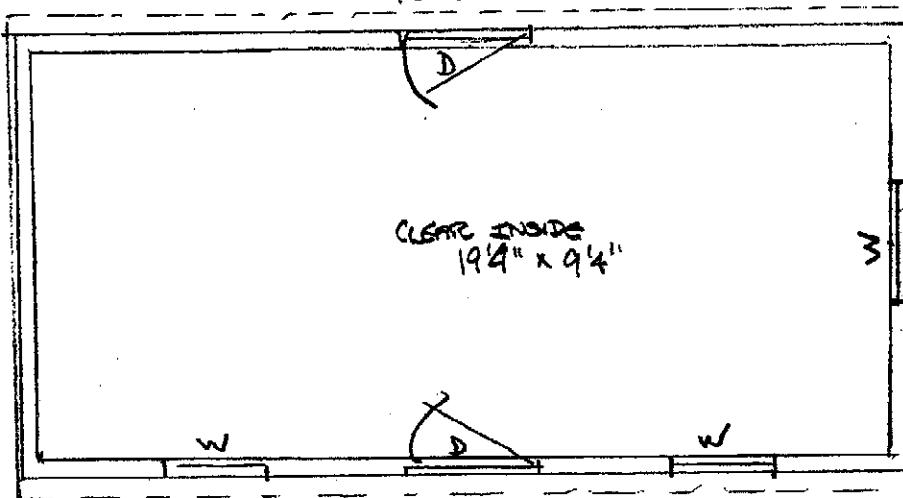
Warming hut committee chairperson for BMD Snowriders

BLOW ME DOWN SKIDRIDERS CLUB
PROPOSED WARMING HUT

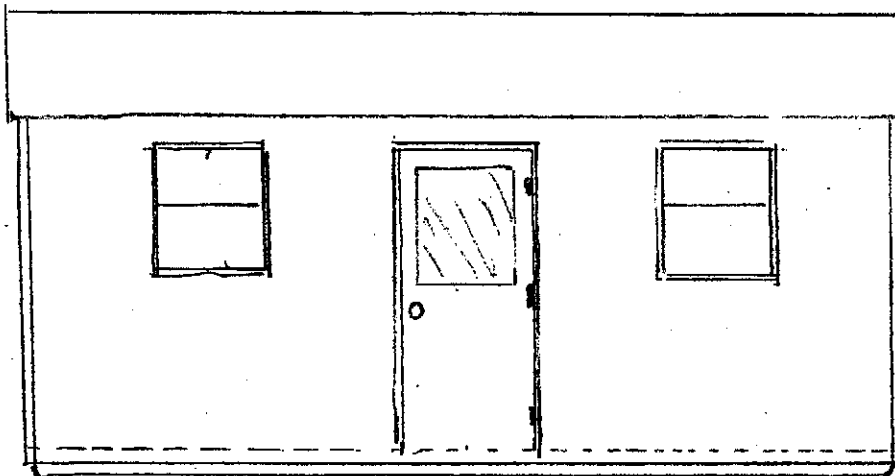
LEFT END



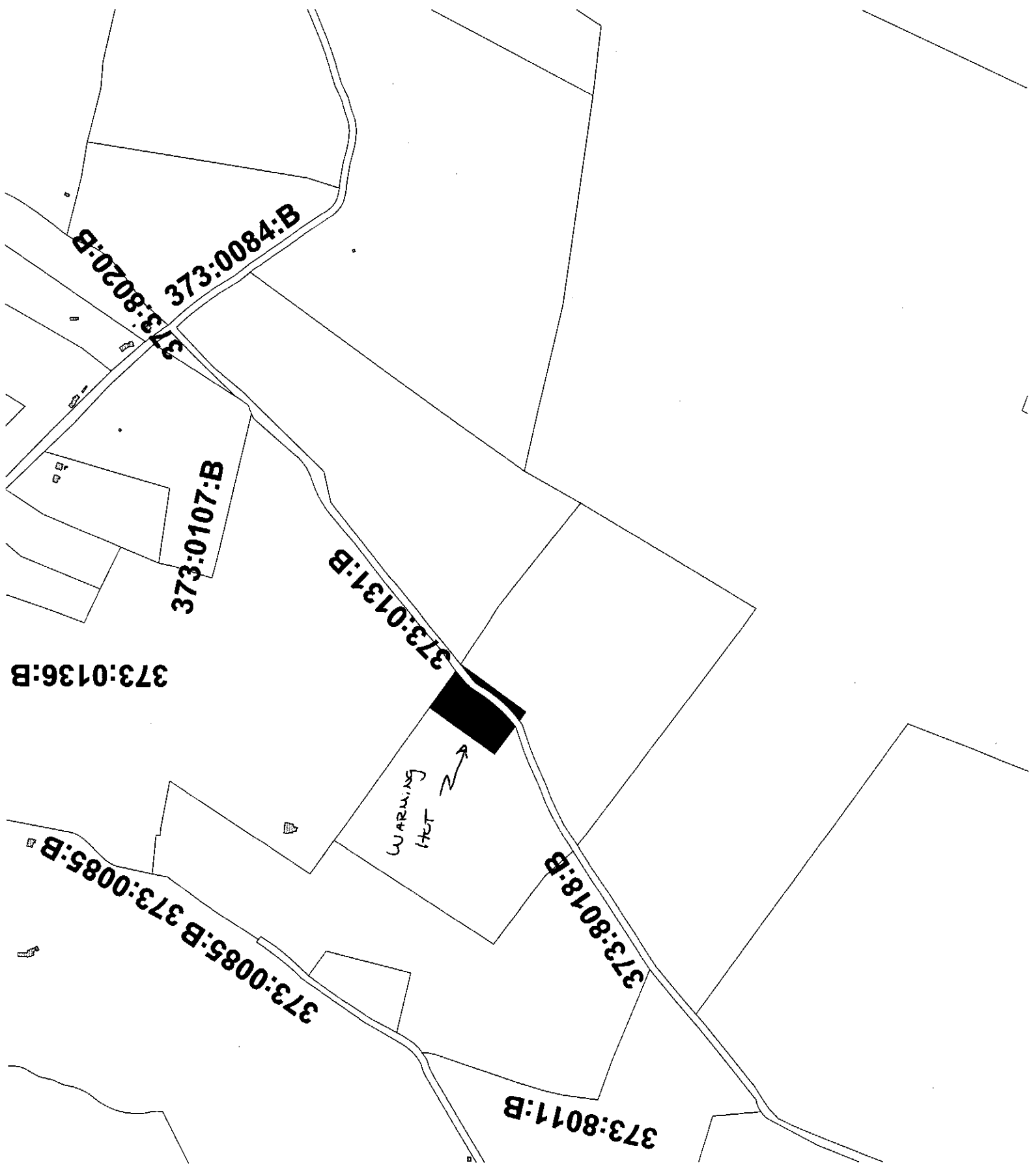
FLOOR PLAN



FRONT VIEW



20'



373:8020:B
373:0084:B

373:0107:B

373:0131:B

373:0136:B

WARNING
HOT

373:0085:B
373:0085:B

373:8018:B

373:8011:B

CHAPTER 674

LOCAL LAND USE PLANNING AND REGULATORY POWERS

Regulation of Subdivision of Land

Section 674:41

674:41 Erection of Buildings on Streets; Appeals. –

I. From and after the time when a planning board shall expressly have been granted the authority to approve or disapprove plats by a municipality, as described in RSA 674:35, no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed:

(a) Shall have been accepted or opened as, or shall otherwise have received the legal status of, a class V or better highway prior to that time; or

(b) Corresponds in its location and lines with:

(1) A street shown on the official map; or

(2) A street on a subdivision plat approved by the planning board; or

(3) A street on a street plat made by and adopted by the planning board; or

(4) A street located and accepted by the local legislative body of the municipality, after submission to the planning board, and, in case of the planning board's disapproval, by the favorable vote required in RSA 674:40; or

(c) Is a class VI highway, provided that:

(1) The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof; and

(2) The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds; or

(d) Is a private road, provided that:

(1) The local governing body, after review and comment by the planning board, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and

(2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and

(3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought; or

(e) Is an existing street constructed prior to the effective date of this subparagraph and is shown on a subdivision plat that was approved by the local governing body or zoning board of adjustment before the municipality authorized the planning board to approve or disapprove subdivision plats in accordance with RSA 674:35, if one or more buildings have been erected on other lots on the same street.

II. Whenever the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and when the circumstances of the case do not require the building, structure or part thereof to be related to existing or proposed streets, the applicant for such permit may appeal from the decision of the administrative officer having charge of the issuance of permits to the zoning board of adjustment in any municipality which has adopted zoning regulations in accordance with RSA 674, or, in municipalities in which no board of adjustment exists, to the local legislative body, or to a board of

appeals, whichever is appropriate, in accordance with RSA 674:14 and 674:15, including the requirement for a public hearing. In a municipality which does not require building permits, direct application may be made to the zoning board of adjustment, or the local legislative body, or the board of appeals for permission to erect the building. In passing on such appeal or application, the board of adjustment, local legislative body, or board of appeals may make any reasonable exception and shall have the power to authorize or issue a permit, subject to such conditions as it may impose, if the issuance of the permit or erection of the building would not tend to distort the official map or increase the difficulty of carrying out the master plan upon which it is based, and if erection of the building or issuance of the permit will not cause hardship to future purchasers or undue financial impact on the municipality. Any such decision made in this connection by a board of adjustment, local legislative body, or by a board of appeals pursuant to this section and RSA 674:14 and 674:15 shall be in writing, together with the reasons for the decision, and shall be subject to review in the manner described in RSA 677.

II-a. Municipalities may except any lot, including island lots for islands served exclusively by boats, from the requirements of paragraphs I and II by an affirmative vote of the local legislative body pursuant to RSA 675, first submitted to the planning board for its approval and:

(a) If approved by the board, approved by a majority of those present and voting at a regular or special meeting of the local legislative body; or

(b) If disapproved by the planning board, approved by not less than 2/3 of those present and voting at a regular or special meeting of the local legislative body.

III. This section shall supersede any less stringent local ordinance, code or regulation, and no existing lot or tract of land shall be exempted from the provisions of this section except in accordance with the procedures expressly set forth in this section. For purposes of paragraph I, "the street giving access to the lot" means a street or way abutting the lot and upon which the lot has frontage. It does not include a street from which the sole access to the lot is via a private easement or right-of-way, unless such easement or right-of-way also meets the criteria set forth in subparagraphs I(a), (b), (c), (d), or (e).

IV. In addition to the requirements for the erection of buildings in paragraph I and notwithstanding the exceptions provided in paragraph II, the planning board for a county in which there are located unincorporated towns or unorganized places shall require every building which is erected on leased land located within an unincorporated town or unorganized place to have a building permit. A building permit shall be required under this paragraph regardless of the proximity of the building to any street or highway. The county shall, by resolution, authorize the planning board to issue building permits under this paragraph.

Source. 1983, 447:1. 1988, 131:2, 3. 1989, 266:20. 1995, 291:10. 1998, 344:6. 2002, 270:1, 5. 2004, 154:1, 2. 2005, 226:1, 2, eff. Sept. 3, 2005.

ORDINANCE 1993-01

WHEREAS, RSA 674:41 RESTRICTS THE ISSUANCE OF BUILDING PERMITS IN CASES WHERE THE STREET GIVING ACCESS IS NOT A CLASS V OR BETTER HIGHWAY;

WHEREAS, THE TOWN OF PLAINFIELD MASTER PLAN RECOMMENDS THAT THE "TOWN SHOULD ATTEMPT TO DISCOURAGE DEVELOPMENT AMONG CLASS VI ROADS," [V1-6] AND FURTHER THAT "CLASS VI ROADS SUBJECT TO GATES AND BARS SHOULD BE KEPT AVAILABLE FOR FUTURE RECREATION USE, BUT NOT UPGRADED..." [X1-10];

WHEREAS, THE LACK OF MAINTENANCE TO CLASS VI ROADS MAY INHIBIT THE DELIVERY OF EMERGENCY SERVICES TO PERSONS OR PROPERTY ON SUCH ROADS;

WHEREAS, THE TOWN MAY HAVE LIABILITY TO PARTIES WHO MIGHT OCCUPY PROPERTIES ALONG SUCH ROADS;

WHEREAS, THE BOARD OF SELECTMEN IS GIVEN THE AUTHORITY UNDER RSA 47:17 TO MAKE BYLAWS AND ORDINANCES;

WHEREAS, IT HAS BEEN THE POLICY OF THE TOWN OF PLAINFIELD TO RESTRICT THE ISSUANCE OF BUILDING PERMITS ON CLASS VI ROADS SINCE AUGUST 1, 1987;

WHEREAS, AN APPLICANT, HAVING BEEN DENIED A BUILDING PERMIT, MAY APPEAL FROM THE DECISION TO THE ZONING BOARD OF ADJUSTMENT, AS ALLOWED IN RSA 674:41;

WHEREAS, THE ZONING BOARD OF ADJUSTMENT HAS THE POWER TO AUTHORIZE OR ISSUE A PERMIT, SUBJECT TO SUCH CONDITIONS AS IT MAY IMPOSE AND AS PERMITTED BY LAW;

NOW THEREFORE, AFTER REVIEW AND COMMENT BY THE PLANNING BOARD, THE BOARD OF SELECTMEN HAS ENACTED THE FOLLOWING ORDINANCE:

ORDINANCE 1993-01

ISSUANCE OF BUILDING PERMITS ON CLASS VI HIGHWAYS

1. NO BUILDING PERMITS SHALL BE ISSUED FOR NEW BUILDINGS WHERE THE STREET GIVING ACCESS TO THE LOT UPON WHICH THE BUILDING IS PROPOSED IS A CLASS VI ROAD.

2. NO BUILDING PERMIT SHALL BE ISSUED FOR ANY ADDITION TO AN EXISTING BUILDING WHERE THE STREET GIVING ACCESS TO THE LOT IS A CLASS VI ROAD, IF ANY INCREASE IN THE NEED FOR MUNICIPAL SERVICES OR INCREASED IMPACT ON THE CLASS VI ROAD RESULTS.

THIS ORDINANCE WAS ADOPTED BY AN AFFIRMATIVE VOTE OF THE BOARD OF SELECTMEN ON NOVEMBER 10, 1993.

PLAINFIELD BOARD OF SELECTMEN