

**TOWN OF PLAINFIELD
PLANNING BOARD
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Plainfield Planning Board will hold a public hearing on proposed amendments to the existing Town Zoning Ordinance, on **Tuesday January 22nd at 7:00 P.M. at the MERIDEN TOWN HALL 110 Main Street**. To be enacted, said changes require approval at the March 2019 Town Meeting.

Summary of the proposed changes:

Question 1. Clarifies the criteria for the granting of a special exception.

Question 2. Clarifies the appeal process for land use decisions.

Copies of the full text are available at the Plainfield Town Office; the changes are posted on the Plainfield Website, <http://www.plainfieldnh.org/planning.html>

Posted January 8th 2019
Stephen Halleran

TEXT OF PROPOSED CHANGES

ARTICLE 2. To see what action the town will take with regard to the following question relative to the Plainfield Zoning Ordinance, **said change being recommended by the Planning Board:**

Question 1. In order to clarify the criteria for the granting of special exceptions **delete** section 5.6II a) & b) which read

5.6II CONDITIONS TO BE MET

II. Special Exceptions

In order for the Board to grant a special exception it must find that the special exception being sought by the applicant is in fact permitted and specified in the Zoning Ordinance and that all of the conditions for the special exception are met.

a) A special exception as specified in this ordinance may be permitted only if the Board of Adjustment makes the following findings of fact:

- (1) The use is one that is ordinarily prohibited in the district.
- (2) The use is specifically allowed as an exception under the terms of the Ordinance.
- (3) Appropriate and adequate facilities will be provided for the proper operation of the proposed use.
- (4) The proposed use will comply with the applicable regulations of the district in which it is to be located.

b) For the purpose of this Ordinance, the following are established as general conditions for the granting of all special exceptions (subject to further conditions as may be defined elsewhere herein as to the uses concerned) namely:

- (1) That the use will not be detrimental to the character or enjoyment of the neighborhood.

- (2) That the use will not be injurious, noxious, or offensive and thus detrimental to the neighborhood;
- (3) That the use will not be contrary to the public health, safety or welfare by reason of undue traffic congestion or hazards, undue risk to life and property, unsanitary or unhealthful emissions or waste disposal, or similar adverse causes or conditions.

Replace the deleted text with

5.6II CONDITIONS TO BE MET

II. Special Exceptions

A special exception as specified in this ordinance may be permitted only if the Board of Adjustment makes the following findings of fact:

- 1. The use is specifically allowed as a special exception under the terms of the Ordinance.
- 2. That the use will not be detrimental to the character or enjoyment of the neighborhood.
- 3. The proposed use will comply with the applicable regulations of the district in which it is to be located.
- 4. The granting of a special exception must include remedy for any existing zoning violations on the property.
- 5. The capacity of existing or planned community services or facilities, including streets and utilities will not be adversely affected
- 6. Traffic on roads and highways in the vicinity shall not be adversely affected
- 7. That the use will not be contrary to the public health, safety or welfare by reason of traffic congestion or hazards, undue risk to life or property, unsanitary or unhealthful emissions or waste disposal, or similar adverse conditions.
- 8. Appropriate and adequate facilities will be provided for the proper operation of the proposed use.
- 9. No undue municipal expense will be created.

Renumber the section as indicated.

[] Yes [] No

Question #2. In order to clarify the local appeal process the following replacement of section 5.5 APPEALS TO THE ZONING BOARD OF ADJUSTMENT is proposed.

Delete the existing section 5.5 which reads

5.5 APPEALS TO THE ZONING BOARD OF ADJUSTMENT

If it is alleged that an error has been made, any aggrieved person, officer, department, board or bureau of the town affected by any decision of the administrative officer may appeal to the Board. Such appeals must occur within fifteen days of the granting or denial of a zoning permit by filing with the Zoning Board of Adjustment a notice of appeal specifying the grounds for appeal. Work may not continue during an appeal

unless the administrative officer states that work stoppage would cause imminent peril to life and property.

An appeal stays all proceeds under the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment after notice of appeal shall have been filed with him or her, that, by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall be stayed by a restraining order which may be granted by the Board of the Superior Court.

Replace with

5.5 APPEALS TO THE ZONING BOARD OF ADJUSTMENT If it is alleged that an error has been made by any decision of the administrative officer, any aggrieved person, officer, department, board or bureau of the town affected may appeal to the Board. Such appeals must occur within fifteen days of the decision of the administrative officer or the granting or denial of a zoning permit. Such appeal shall be made by filing with the administrative officer and the Zoning Board of Adjustment a notice of appeal specifying the grounds for appeal.

Any activity or work may not continue during an appeal unless the administrative officer states that work stoppage would cause imminent peril to life and property. An appeal stays all proceedings under the action appealed from unless the administrative officer from whom the appeal is taken certifies to the Board of Adjustment that, by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property.

Yes No