

ARTICLE VIII

BOARD OF ADJUSTMENT

8.01 Creation: There is hereby created a Board of Adjustment (in this article referred to as the Board) and its five (5) members shall be appointed by the Selectmen in accordance with and shall have the terms and powers conferred by Chapter 31, NH-RSA as it has been or may be amended.

8.02 Appeals: The Board shall hear and decide any case in which it is alleged there is an error in any order, requirements, decision, or determinations made by any official in the enforcement of this ordinance.

8.03 Uses permitted by special exception: The board may grant special exceptions as provided in the Table of Use Regulations. Before reaching a decision, at least two members shall have viewed jointly the subject area and said viewing shall be noted in their records. The board shall (by mail) notify abutters, and any others known to have direct interest in the proposed use to determine their opinions on the proposal prior to the Board's decision, as required by Chapter 31, H.H.R.S.A. covering public hearings. The Board in acting on the applications for a special exception, shall take into consideration the following conditions.

8.03.01 The specific site is an appropriate location for the use.

8.03.02 Property values in the district will not be reduced by the use.

8.03.03 The use will not adversely affect the adjacent area and there are not reasonable objections by the owners of the abutting land.

8.03.04 No nuisance or unreasonable hazard will result.

8.03.05 Adequate and appropriate facilities will be provided for the proper operation and maintenance of the proposed use.

8.04 Time Limit: Prior to granting a special exception, the Board may refer the appeal to the Planning Board for a report and recommendation which the Planning Board shall return within 45 days, otherwise, the Board shall rule on all appeals and notify the appellant of their ruling in writing 60 days from the date of application.

8.05 Variance: The Board may authorize a variance from the terms of this ordinance where the Board finds that all of the following conditions apply:

8.05.01 There are special circumstances or conditions applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness, or shape of the property in question, or exceptional topographical conditions), which are peculiar to such requirements of this ordinance as will deprive an owner of such property a reasonable use of it, and will impose upon such owner a hardship not shared by the owners of other property.

- 8.05.02** The granting of the variance will be in harmony with the general purposes and intent of this ordinance, and with the convenience, welfare, and character of the area within which it is approved, and will not be injurious or otherwise detrimental to the public welfare.
- 8.05.03** The use proposed is a permitted or allowed use.
- 8.05.04** The specific variance is the minimum variance necessary to provide for a reasonable use of the land or structure.
- 8.05.05** Not to grant the variance would result in an injustice.
- 8.05.06** Owners of land requesting a special exception, or variance, or appealing an executive decision shall bear the expenses of the necessary hearings (such as cost of newspaper and legal notices and required notices by mail). (Adopted 1984)

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

9.01 Administration Official: This ordinance shall be administered and enforced by the Board of Selectmen who may delegate authority.

9.02 Violations: The Board of Selectmen is hereby authorized to institute or cause to be instituted, in the name of the Town, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this ordinance: this authorization, however, shall not prevent any person entitled to equitable relief from enjoining any act contrary to the provisions of this ordinance.

9.03 Penalties: Any violation of this ordinance may be punishable, as determined by the Board of Selectmen, by a civil fine of not more than \$100 for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator received written notice from the municipality that he is in violation of this ordinance, whichever date is earlier. (March 1985)

ARTICLE X

AMENDMENT

The ordinance may be amended in accordance with the provisions of Chapter 31 NH-RSA, as have been or may be amended.

10.01 Procedure: Any person may submit a request for an amendment or repeal of any provision of this ordinance, or any boundary shown on the Planning Map to the Planning Board. The Planning Board shall hold two public hearings on the request and then determine the final form of

the request and submit it to the Town Clerk for action by the voters of the Town.

ARTICLE XI

VALIDITY

11.01 The validity of any provisions of this ordinance shall not affect the validity of any other provision.

ARTICLE XII

EFFECTIVE DATE

12.01 This ordinance shall take effect immediately upon its passage.