

## **ARTICLE VII - BOARD OF ADJUSTMENT**

### **Creation, Appointment and Jurisdiction**

The Board of Adjustment shall be appointed by the Selectmen and function in accordance with New Hampshire Revised Statutes Annotated 672 through 677 inclusive.

### **A. Special Exception - Generally**

Special Exception means a use which would not be appropriate generally or without restriction in a particular district and, accordingly, is allowable only upon such conditions as are established by the Ordinance and only after public hearings and determination by the Board of Adjustment.

For the purpose of this Ordinance, the following are established as conditions upon the grant of all Special Exceptions, subject to further conditions as may be defined elsewhere herein as to the uses concerned, namely:

- a. That the use will not be detrimental to the character or enjoyment of the neighborhood by reason of undue variation from the kind and adverse violation of the character or appearance of the neighborhood.
- b. That the use will not be injurious, noxious or offensive and thus detrimental to the neighborhood.
- c. 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.

In addition to the above conditions, the following requirements shall be met:

- a. Duplicate plans for the proposed development of a site for a Special Exception shall be submitted with an application for a permit and such plans shall show the location of all buildings, parking areas, traffic access and circulation drives, open spaces, landscaping, lighting and other pertinent information that may be necessary to determine that the proposed use meets the requirements and the spirit and intent of this Ordinance.
- b. A permit shall expire if the special exception is not utilized within a two-year period (13 Mar 14).
- c. The location and size of the use, the nature and intensity of the operations involved, the size of the site in relation to the proposed use and the location of the site with respect to the existing or future street giving access to it, shall be such that it will be in harmony with the orderly development of the District and the location, nature and height of buildings, walls and fences will not discourage

the appropriate development and use of the adjacent land and buildings or impair the value thereof.

In this regard, the Board may impose the following safeguards in addition to the applicable requirements of this ordinance, including but not limited to the following:

1. Front, side or rear setbacks greater than the minimum requirements of the Ordinance.
  2. Screening of parking areas or other parts of the premises from adjoining premises or from the street by walls, fences, planting or other devices.
  3. Modification of the exterior features or appearance of the building or structure.
  4. Limitation of size, number of occupants, method or time of operation or extent of facilities.
  5. Regulation of number, design and location of drives or other traffic features.
  6. Off-street parking or loading spaces beyond the minimum requirements of this Ordinance.
  7. Control of the number, location and size of lights and signs.
- d. Operations in connection with such a use shall not be more objectionable to nearby properties by reason of noise, fumes, odor or vibration, than would be the operation of any permitted uses in this District which are not subject to Special Exception procedures.