

Town of Derry

"Derry, New Hampshire's Place to Be"

LEGAL NOTICE

The Planning Board for the Town of Derry, will hold a public hearing on **Wednesday, May 9, 2012**, at **7:00 p.m.** at the Derry Municipal Center (3rd Floor), 14 Manning St, to review the following proposed amendments to the Town of Derry Land Development Control Regulations:

To amend Section 170-11, Modifications and Waivers, to **add** the following, "Pursuant to RSA 674:36, II (n), the Planning Board may include provisions for waiver of any portion of the regulations."

To amend Section 170-50, Waivers, to **add** the following, "Pursuant to RSA 674:44, III (e), the Planning Board may include provisions for waiver of any portion of the regulations."

POSTED: APRIL 26, 2012

Derry Municipal Center

Derry Public Library & Taylor Library (by e-mail)

Union Leader for publication, April 27, 2012

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Website: www.derry-nh.org

Section 170-11 Modifications and Waivers

Pursuant to RSA 674:36, II (n), the Planning Board may include provisions for waiver of any portion of the regulations.

- A. Where the Planning Board finds that unnecessary hardship may result from strict compliance with these regulations with respect to a particular tract of land, the Board may modify or waive these regulations so that substantial justice may be done and the public interest secured, provided that:
 - 1. The modification or waiver shall not have the effect of nullifying the intent and purpose of these regulations;
 - 2. The Planning Board requires such conditions as will, in its judgment, secure the objectives of the regulations which are modified or waived;
 - 3. The modification or waiver is requested in writing;
 - 4. The modification or waiver is based on evidence presented to the Board by the applicant;
 - 5. The Planning Board formally votes on such modification or waiver; and
 - 6. The modification or waiver is noted on the Final approved plan.
- B. The requirements of Section 170-32 of these regulations pertaining to "Special Flood Hazard Areas" shall not be waived.

Section 170-50 Waivers

Pursuant to RSA 674:44, III (e), the Planning Board may include provisions for waiver of any portion of the regulations.

- A. Where the Planning Board finds that unnecessary hardship may result from strict compliance with these regulations with respect to a particular tract of land, the Board may modify or waive these regulations so that substantial justice may be done and the public interest secured, provided that:
 - 1. The waiver shall not have the effect of nullifying the intent and purpose of these regulations;
 - 2. The Planning Board requires such conditions as will, in its judgment, secure the objectives of the regulations which are waived;
 - 3. The waiver is requested in writing;
 - 4. The waiver is based on evidence presented to the Board by the applicant;
 - 5. The Planning Board formally votes on such waiver; and
 - 6. The waiver is noted on the final approved plan.
- B. The Planning Board may set higher requirements with regard to any standards in these regulations if, in the opinion of the Board, it is necessary to protect the health, safety or welfare of the community.
- C. The requirements of Section 170-68 of these regulations pertaining to special flood hazard areas shall not be waived.