

## ARTICLE XIV-B - PERSONAL WIRELESS SERVICE FACILITY

(Adopted March 13, 2001. Amended: March 13, 2007; March 10, 2009; March 10, 2015; March 8, 2016)

1. **AUTHORITY.** This Ordinance is adopted by the Town Antrim in accordance with the authority granted by the New Hampshire Revised Statutes Annotated 674:16. In addition, pursuant to the provisions of NH RSA 674:21, the Antrim Planning Board is hereby granted the authority to issue Conditional Use Permits for the establishment of Personal Wireless Services Facilities, subject to the provisions in this Ordinance.
2. **PURPOSE AND INTENT.** It is the express purpose of this Article to permit the location of personal wireless service facilities, (PWSFs), within particular areas of the Town of Antrim, hereafter called the Town, that enhance and fulfill the following goals:
  - a. Preserve the authority of the Town to regulate and to provide for reasonable opportunity for the siting of PWSFs, by enhancing the ability of providers of PWSFs to provide such services to the community quickly, effectively and efficiently, while preserving unique viewsheds and scenic values of the Town.
  - b. Provide for PWSFs that are consistent with appropriate land use regulations that ensure compatibility with the visual and environmental features of the Town and that eliminate or mitigate the visual impacts of PWSFs. Compatibility with the visual features of the Town is measured based on the change in community scale and character as defined below.
  - c. Reduce adverse impacts such facilities may create, including, but not limited to: impacts on environmentally sensitive areas, historically significant locations, migratory bird flight corridors, health and safety, and prosperity through protection of property values.
  - d. Encourage carriers to locate PWSFs on existing buildings and structures and permit new ground mounted PWSFs only when the use of existing structures and buildings is found to be not feasible.
  - e. Require co-location, both vertical and horizontal, to the greatest extent possible, in order to reduce cumulative adverse impacts on the Town.
  - f. Provide for the review of all applications for PWSFs through an assessment of technology, current locational options, future available locations, innovative siting techniques and siting possibilities beyond the jurisdiction of the Town. The review of a PWSF application shall be on the basis of the site being built using all positions on the mount.
3. **APPLICABILITY.** The terms of this Article and any application sections of the Subdivision and Site Plan Review Regulations shall apply to PWSFs proposed to be located on property owned by the Town, on privately owned property, and on property that is owned by any other governmental entity that acts in its proprietary capacity to lease such property.
4. **DEFINITIONS.** In addition to relevant definitions found elsewhere in the Zoning Ordinance and the Subdivision and Site Plan Review Regulations, the following definitions apply specifically to PWSFs:

- a. Antenna. The surface from which wireless radio signals are sent and/or received by a PWSF.
- b. Antenna Array. A collection of antennas attached to a mount to send and receive radio signals
- c. Average Tree Canopy Height. An average height found by inventorying the height, at above ground level (AGL), of all trees over twenty (20) feet in height within the area that extends for a distance of one-hundred fifty feet (150') feet from the base of the mount, security barrier, or designated clear area for access to equipment, whichever is greatest. Trees that will be removed for construction shall NOT be used in this calculation.
- d. Camouflaged. A PWSF that is disguised, hidden, part of an existing or proposed structure, or placed within an existing or proposed structure.
- e. Carrier. A Company that provides personal wireless services also sometimes referred to as a provider.
- f. Co-location. The use of a single mount on the ground by more than one carrier (vertical co-location), or the use of more than one mount on the same site by more than one carrier (horizontal co-location), or the use of several mounts on an existing building or structure by more than one carrier.
- g. Community Scale. Compatibility between the Proposed PWSF and its surroundings in relation to the height, mass, materials, contrasts, and proportion of the proposed facility and its surroundings.
- h. Environmental Assessment (EA). An EA is a document required by the Federal Communications Commission (FCC) and the National Environmental Policy Act (NEPA) when a PWSF is placed in certain designated areas.
- i. Equipment Shelter. An enclosed structure, cabinet, shed, vault, or box near the base of the mount within which are housed equipment for PWSFs such as batteries and electrical equipment. Equipment shelters are sometimes referred to as base transceiver stations.
- j. Fall Zone. The area on the ground from the base of a ground mounted personal wireless service facility that forms a circle with a diameter equal to twice the height of the facility, including any antennas or other appurtenances. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) or collapsing material.
- k. Guyed Tower. A monopole or lattice tower that is secured to the ground or other surface by diagonal cables for lateral support.
- l. Height. The height above ground level (AGL) from the natural grade of a site to the highest point of a structure.
- m. Lattice Tower. A type of mount with multiple legs and structural cross-bracing between the legs that is self-supporting and freestanding.
- n. Mast. A thin pole that resembles a street light standard or a telephone pole. A dual-polarized antenna is typically deployed on a mast.

- o. Monopole. A thicker type of mount than a mast that is self-supporting with a single shaft of wood, steel or concrete, or other material that is designed for the placement of antennas and arrays along the shaft.
  - p. Mount. The structure or surface upon which antennas are mounted, (interior or exterior) including the following four types of mounts:
    - i. Roof-mounted. Mounted on the roof of a building.
    - ii. Side-mounted. Mounted on the side of a building.
    - iii. Ground-mounted. Mounted on the ground.
    - iv. Structure-mounted. Mounted on a structure other than a building.
  - q. Personal Wireless Service Facility (PWSF). Facility for the provision of personal wireless services, as defined by the Telecommunications Act of 1996, as amended. PWSFs include a mount, antenna, equipment shelter, and other related equipment.
  - r. Personal Wireless Services. The three types of services covered by this Ordinance: Commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as described in the Telecommunications Act of 1996, as amended.
  - s. Radio Frequency (RF) Engineer. An engineer specializing in electrical or microwave engineering, especially the study of radio frequencies.
  - t. Radio Frequency Radiation (RFR). The emissions from PWSFs.
  - u. Security Barrier. A wall, fence, or berm that restricts an area from unauthorized entry or trespass.
  - v. Separation. The distance between one carrier's array of antennas and another carrier's array.
5. LOCATION OF TELECOMMUNICATIONS FACILITIES. PWSFs proposed to be located in or on existing structures shall be permitted in all zoning districts. Ground-mounted PWSFs may be permitted in the Highway Business District, Rural, Rural Conservation, and Lakefront District. Ground-mounted PWSFs will not be allowed in the Residential or Village Residential Districts.
6. PERMITTED USES.
- a. Principal or Secondary Use. Telecommunications facilities may be considered either principal or secondary uses. Having an existing-permitted use on site shall not preclude the addition of a facility as a Secondary Use as long as all other provisions of the Ordinance are met. A different existing use or an existing structure on the same lot shall not preclude the installation of a facility on such lot. Facilities that are installed in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.
  - b. Existing Structures: Collocation and/or modification applications shall be reviewed for conformance with applicable building permit requirements, but shall not otherwise be subject to zoning or land use requirements, including design or placement requirements, or public hearing review, according to the procedure outlined in RSA 12-K:10.

- c. Ground-Mounted Facility: Ground-mounted facilities will be allowed only after the Board finds that there are no suitable existing structures available. The burden of proof is on the applicant and the applicant shall address the following in making this case:
    - i. The applicant shall submit to the Planning Board a list of all contacts made with owners of potential sites regarding the availability of potential space for a PWSF. Said list shall describe and identify these potential sites. If the Planning Board informs the applicant that additional existing structures may be satisfactory, the applicant shall contact the property owner(s) of those structures.
    - ii. The applicant shall provide copies of all letters of inquiry made to owners of existing structures and letters of rejection. If letters of rejection are not provided, at a minimum, unanswered "Return Receipt Requested" forms from the U.S. Post Office shall be provided for each owner of existing structures that was contacted.
    - iii. If the applicant claims that a structure is not capable of physically supporting a PWSF, this claim must be certified by a licensed professional civil engineer. The certification shall, at a minimum, explain the structural issues and demonstrate that the structure cannot be modified to support the PWSF without unreasonable costs. The estimated cost shall be provided to the Planning Board.
  - d. Any alteration of the original permitted use and device configuration of the facility will require a new approval.
  - e. Amateur Radio; Receive-Only Antennas. This Ordinance shall not govern any tower, or the installation of any antenna that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive-only antennas. This Ordinance adopts the provisions and limitations as referenced in RSA 674:16, IV.
  - f. These requirements shall supersede any and all other applicable standards found elsewhere in Town Ordinances or Regulations that are less strict or conflicting.
7. CONSTRUCTION PERFORMANCE REQUIREMENTS:
- a. Federal Requirements. All facilities must meet or exceed current standards and regulations of the FAA, FCC, and any other agency of the federal government with the authority to regulate such facilities. If such standards and regulations are changed, the owners of facilities governed by this Ordinance shall bring these into compliance within six (6) months of the effective date of the changes, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring facilities into compliance with any changes shall constitute grounds for the removal of the tower or antenna at the owner's expense, in accordance with Section 12 through the execution of the posted security.
  - b. Building Codes/Safety Standards. To ensure the structural integrity of towers and antennas, the Planning Board may require that all facilities be inspected at predetermined intervals by an engineer approved by the Town, with the cost to be paid by the owner. The engineer will submit a report to the Town. If the report concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, the owner will receive notice that he/she has 30 days to bring such tower into compliance with the standards. If the owner fails to comply within 30 days, such action shall

constitute an abandonment and grounds for the removal, in accordance with Section 12, of the tower or antenna, at the owner's expense through execution of the posted security.

## 8. DIMENSIONAL REQUIREMENTS

- a. For purposes of determining whether the installation complies with district development regulations, including but not limited to setback and lot coverage requirements, the dimensions of the entire lot shall control, even though the facility may be located on leased parcels within such lots.
- b. Height, Maximum. In no case shall a PWSF exceed one hundred (100) feet in height.
- c. Ground-mounted PWSFs shall not project higher than (20) twenty feet above the average tree canopy height of the trees located within an area defined by a (50) foot radius or perimeter of the mount, security barrier, or designated clear area for access to equipment, whichever is greatest.
- d. Height, Existing Structures and Utility Poles. Carriers that locate new PWSFs on water towers, electric transmission and distribution towers, utility poles and similar existing utility structures, guyed towers, lattice towers, masts, and monopoles may be permitted to increase the height of those structures no more than fifteen (15) feet.
- e. Height, Other Existing Structures. The height of a PWSF shall not increase the height of a structure by more than fifteen (15) feet, unless the facility is completely camouflaged; for example a facility completely within a flagpole, steeple, or chimney. The increase in the height of the structure shall be in scale and proportion to the structure as originally configured. A carrier may locate a PWSF on a building that is legally nonconforming with respect to height, provided that the provisions of this Article are met.
- f. Setbacks. All PWSFs and their related equipment and shelters shall comply with the building setback provisions of the zoning district in which the facility is located. No portion of the facility except roads shall be located within 300 feet of any abutting structure.
- g. Fall Zone for Ground Mounts. In order to ensure public safety, the minimum distance from the base of any ground-mount of a PWSF to any property line, public road, habitable dwelling, business or institutional use, or public recreational area shall be, at a minimum, the distance equal to the fall zone, as defined in this Article. The fall zone may cross property lines, so long as the applicant secures a fall zone easement from the affected property owner(s). The area of the easement shall be shown on all applicable plans submitted to the Town, and the terms of the easement shall be provided as part of the site plan review. The Planning Board, at its discretion, may reduce or eliminate the fall zone. Fall zones for PWSFs may overlap.
- h. Fall Zone for Non-Ground Mounts. In the event that an existing structure is proposed as a mount for a PWSF, a fall zone shall not be required, but the setback provisions of the zoning district shall apply. In the case of pre-existing nonconforming structures, PWSFs and their equipment shelters shall not increase any non-conformity.

## 9. PERFORMANCE STANDARDS

- a. Visibility. The applicant is encouraged to utilize enhancements to the property and must demonstrate that every reasonable effort has been made to cause the facility to have the least possible visual impact on the Town.
  - (1) Visual impacts are measured on the basis of:
    - (a) Change in community scale, as exhibited in relative height, mass or proportion of the PWSF within their proposed surroundings.
    - (b) New visible elements proposed on a contrasting background.
    - (c) Different colors and textures proposed against a contrasting background.
    - (d) Use of materials that are foreign to the existing environment.
  - (2) Enhancements are measured on the basis of:
    - (a) Conservation of opportunities to maintain community scale, e.g. buffering areas and low-lying buildings should not be compromised so as to start a trend away from the existing community scale.
    - (b) Amount and type of landscaping and/or natural vegetation.
    - (c) Preservation of view corridors, vistas, and viewsheds.
    - (d) Continuation of existing colors, textures, and materials.
  - (3) Visibility focuses on:
    - (a) Eliminating or mitigating visual impact.
    - (b) Protecting, continuing, and enhancing the existing environment.
  - (4) Camouflage for Facilities on Existing Buildings or Structures - Roof Mounts. When a PWSF extends above the roof height of a building on which it is mounted, every effort shall be made to conceal or camouflage the facility within or behind existing or new architectural features to limit its visibility. Facilities mounted on a roof shall be stepped back from the front facade in order to limit their impact on the building's silhouette.
  - (5) Camouflage for Facilities on Existing Buildings or Structures - Side Mounts. PWSFs which are side mounted shall blend with the existing building's architecture and the panels shall be painted or shielded with material consistent with the design features and materials of the building. All surfaces shall be non-reflective.
  - (6) Camouflage for Ground-Mounted Facilities. All ground-mounted PWSFs shall be surrounded by a buffer of dense tree growth that extends continuously for a minimum distance of one hundred and fifty (150) feet from the mount, security barrier, or designated clear area for access to equipment, whichever is greatest, and screens views of the facility in all directions. These trees must be existing on the subject property, planted on site, or be within a landscape easement on an adjoining site. The Planning Board shall have the authority to decrease, relocate or alter the required buffer based on site conditions as long as such action does

not deviate from the purpose and intent of this Article. The one hundred fifty (150) foot vegetative buffer area shall be protected by a landscape easement or be within the area of the applicant's lease. The easement or lease shall specify that the trees within the buffer shall not be removed or topped, unless the trees are dead or dying and present a hazard to persons or property.

- a. Color. To the extent that any PWSFs extend above the height of the vegetation immediately surrounding it, they shall be of a color which blends with the background or surroundings. All surfaces shall be non-reflective.
- b. Equipment Shelters. Equipment shelters for PWSFs shall be designed consistent with one of the following design standards:
  - (1) Equipment shelters shall be located in underground vaults; or
  - (2) Equipment shelters shall be designed so that the shelters are architecturally consistent, with respect to materials and appearance, to the buildings in the area of the PWSF; or
  - (3) Equipment shelters shall be camouflaged behind an effective year-round landscape buffer, equal to the height of the proposed building, and/or fence. The Planning Board shall determine the style of fencing and/or landscape buffer that is compatible with the neighborhood; or
  - (4) If mounted on a rooftop, the equipment shelter shall be concealed or camouflaged so that the shelter either is not visible at grade or appears to be a part of the original structure.
- d. Lighting, Signage, and Security
  - (1) Lighting: The mounts of PWSFs shall be lighted only if required by the Federal Aviation Administration (FAA). Lighting of equipment structures and any other facilities on site shall be shielded from abutting properties. Foot-candle measurements at the property line shall be 0.0 initial foot-candles.
  - (2) Signage: PWSFs shall not contain any permanent or temporary signs, writing, symbols or any graphic representation of any kind except those needed to identify the property and the owner and warn of any danger. All signs shall comply with the requirements of the Town's sign ordinance.
  - (3) Security: PSWFs shall be enclosed by security fencing not less than six (6) feet in height and shall also be equipped with an appropriate anti-climbing device.
- e. Historic Buildings.
  - (1) Any PWSF located on or within an historic structure shall not alter the character-defining features, distinctive construction methods, or original historic materials of the building.
  - (2) Any alteration made to an historic structure to accommodate a PWSF shall be fully reversible.

- (3) PWSFs authorized by this subsection shall be concealed within or behind existing architectural features, or shall be located so that they are not visible from public roads and viewing areas.
- f. Scenic Landscapes and Vistas. Ground-mounted facilities shall not be located within open areas that are clearly visible from public roads, recreational areas, nearby or abutting properties unless these PWSFs are hidden or disguised in such a way so as to blend in with their surroundings. For example, the Planning Board may find a PWSF disguised as a flagpole to be acceptable.
  - g. Driveways. If available, existing entrances and driveways to serve a PWSF shall be utilized, unless the applicant can demonstrate that a new entrance and driveway will result in less visual, traffic, and environmental impact. New driveways to serve a PWSF shall not exceed twelve (12) feet in width. A gravel or crushed stone surface is encouraged.
  - h. Antenna Types. Any antenna array placed upon an existing or proposed ground mount, utility pole, or transmission line mount shall have a diameter of no more than four (4) feet, exclusive of the diameter of the mount. A larger diameter antenna array may be permitted after a finding by the Planning Board that the visual impacts of a larger antenna array are negligible.
  - i. Ground and Roof Mounts. All ground mounts shall be of a mast or monopole type mount. Lattice towers, guyed towers, and roof mounted monopoles are expressly prohibited, unless constructed as part of a reconstruction project permitted under Section 6 (f).
  - j. Hazardous Waste. No hazardous waste shall be discharged on the site of any PWSF. If any hazardous materials are to be used on site, there shall be provisions for full containment of such materials. An enclosed containment area shall be provided with a sealed floor, designed to contain at least one hundred and ten percent (110%) of the volume of the hazardous materials stored or used on the site.
  - k. Radio Frequency Radiation (RFR) Standards. All equipment proposed for a PWSF shall be fully compliant with the FCC Guidelines for Evaluating the Environmental Effects of Radio frequency Radiation (FCC Guidelines), under *Report and Order*, FCC 96-326, published on August 1, 1996, and all subsequent amendments.
  - l. Migrating Bird Protection. The applicant shall submit a plan indicating methods that it shall use to mitigate adverse impacts on migrating bird populations.

## 10. PROCEDURE

- a. Telecommunications Facilities are permitted only after obtaining a Conditional Use Permit from the Planning Board. All such uses must comply with other applicable ordinances and regulations of the Town of Antrim.
- b. In granting the Conditional Use Permit, the Planning Board may impose conditions to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties, and preserve the intent of this Ordinance.
- b. Balloon/Crane Test. The Planning Board may require a certified balloon test and/or crane test accurately simulating the height and location of the proposed PWSF. Public

notice shall be given of the date and time of such test not less than 10 days prior thereto. The applicant shall provide photographs of such test from locations around Antrim; in addition, the Board may require photographs of the test within 20 miles from which the balloon(s) or crane is visible.

- c. The Planning Board may hire an expert of its choice to review applications. Such experts may include, but not be limited to Planning Experts, Technical Experts, Engineering Experts, Legal Experts, and Surveying Experts. All such expenses incurred shall be borne by the applicant.
- d. Procedure on Application.
  - i. The Planning Board shall act upon the application in accordance with the procedural requirements of the Site Plan Review Regulations and RSA 676:4.
  - ii. Regional public notice will be provided to all municipalities within a 20-mile radius of the proposed site in accordance with RSA 12-K: 7.
  - iii. Decisions. All decisions shall be rendered in writing. A denial must be based upon substantial evidence contained in the written record.
  - iv. Plan Requirements. Each applicant requesting a Conditional Use Permit under this Ordinance shall submit a plan in accordance with the applicable submission requirements of the Antrim Site Plan Review Regulations.
  - v. Other Information Required. In order to assess compliance with this Ordinance, the Planning Board may require the applicant to submit the following prior to any approval by the Board:
    - a. Propagation map showing proposed radio frequency coverage.
    - b. Photographic documentation of the balloon/crane test(s).
    - c. The applicant shall submit written proof that the proposed use/facility complies with the FCC regulations on radio frequency (RF) exposure guidelines.
    - d. The applicant shall submit written proof that it has conducted an evaluation of any requirements of the National Environmental Policy Act (NEPA) pertaining to the proposed facility, as may be required under applicable FCC rules, and the results of any such evaluation. If an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) is required under the FCC rules and/or NEPA, the applicant shall submit the EA or EIS to the Board prior to the beginning of the federal 30-day comment period; the Town proceedings with respect to the proposed facility shall become part of the FCC application requirements.
    - e. The number of sites for telecommunication facilities each provider will require;
    - f. Sites outside of the Town for the particular coverage area that are being considered;

- g. How the siting of a telecommunication facility will affect the ability to allow a competitor's antennas on the same property;
- h. Studies of alternative sites in Town that have been considered for siting.
- i. Copies of the federal license from the FCC proving that they, or their contracted client, are eligible to deploy their systems under the Federal Telecommunications Act of 1996.
- j. Detailed maps showing all of the carrier's current externally visible tower and monopole locations in the state within a 20-mile radius, both active and inactive; and
- k. Site descriptions for each of the above locations showing the antenna height and diameter, and all externally visible structures.
- l. The applicant will submit an agreement to the Town to the effect that the Town will be held harmless for any extraordinary fire or safety events.

#### 11. BONDING AND SECURITY INSURANCE.

- a. Recognizing the hazardous situation presented by abandoned and unmonitored telecommunications facilities, the Planning Board shall set the form and amount of security that represents the cost for removal and disposal of abandoned telecommunications facilities in the event that a facility is abandoned and the facility owner is unwilling or unable to remove the facility in accordance with Section 12.
- b. The amount of the security shall be based upon the removal cost plus, fifteen percent (15%), provided by the applicant and certified by a professional civil engineer licensed in New Hampshire. The owner of the facility shall provide the Planning Board with a revised removal cost estimate and structural evaluation prepared by a professional civil engineer licensed in New Hampshire every five (5) years from the date of the Planning Board's approval of the site plan. If the cost has increased more than fifteen percent (15%) then the owner of the facility shall provide additional security in the amount of the increase.

#### 8. ABANDONMENT OR DISCONTINUATION OF USE.

- a. Notification. Beginning 12 months after Planning Board approval and continuing on an annual basis thereafter, the owner of a PWSF shall provide the Planning Board with written, signed certification that the PWSF is being used to provide the citizens of the Town with Personal Wireless Services as defined. Failure to comply with this requirement shall constitute an admission that the PWSF is not in use and has been abandoned. At such time that the owner plans to abandon or discontinue operation of a PWSF, the owner will notify the Town by certified U.S. mail of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations. In the event that the owner fails to give such notice, the PWSF shall be considered abandoned upon such discontinuation of operations.
- b. Removal. Upon abandonment or discontinuation of use, the owner of the facility shall physically remove the PWSF within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

- (1) Removal of antennas, mount, equipment shelters and security barriers from the subject property.
  - (2) Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.
  - (3) Restoring the location of the PWSF to its natural condition, except that any landscaping and grading shall remain in the after-condition.
- c. Failure to Remove. If the owner of the facility does not remove the facility upon the Planning Board's order, then the Board of Selectmen shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within ninety (90) days, the Town may execute the security to pay for this action.
  - d. Failure to Maintain. If the owner of the facility fails to maintain the facility in accordance with the directions of the Planning Board pursuant to Section 8.2, then the Board of Selectmen shall, after holding a public hearing with notice to the owner and abutters, issue a declaration of abandonment. The owner of the facility shall dismantle and remove the facility within ninety (90) days of receipt of the declaration of abandonment by the Board of Selectmen. If the abandoned facility is not removed within ninety (90) days, the Town may execute the security to pay for this action

#### 9. TIMING OF OPERATION.

- a. Operation of a PWSF shall commence no later than nine (9) months from the date the application was approved. If the PWSF is not operating and providing the citizens of the Town with Personal Wireless Services, as defined, within this time period the Planning Board, at its discretion, may revoke its approval.
- b. If Planning Board approval is revoked and construction has begun, the PWSF shall be considered to be abandoned.

#### 14. WAIVERS

- a. Any portion of these regulations may be waived or modified when, in the opinion of the Board, strict conformity would pose an unnecessary hardship to the applicant and such waiver would not be contrary to the spirit and intent of these regulations.
- b. Conditions. In approving waivers, the Board may impose such conditions as it deems appropriate to substantially secure the objectives of the standards or requirements of these regulations.
- c. Procedures. A petition for any such waiver shall be submitted in writing by the applicant for Board review. The petition shall state fully the grounds for the waiver and all of the facts relied upon by the applicant.

#### 15. APPEALS. Pursuant to RSA 676:5, any decision made under this ordinance cannot be appealed to the Board of Adjustment, but to the superior court as provided by RSA 677:15.