



TOWN OF MILFORD, NH
OFFICE OF COMMUNITY DEVELOPMENT

1 UNION SQUARE, MILFORD, NH 03055

TEL: (603)249-0620

WEB: WWW.MILFORD.NH.GOV

STAFF MEMO

Date: August 1, 2019
To: Planning Board
From: Kellie Shamel, Town Planner
Subject: Discussion - waiver notification process

Currently, the Board requires all waiver requests be publicly noticed on the agenda and requires abutter notification. Staff would like to discuss and receive the Board's input the possibility of changing this process. Please see the language that references the waiver requirements from the Development Regulations below.

5.020 WAIVER APPLICATIONS

The Planning Board may grant a waiver from a specific section of the Development Regulations in a special case when:

A. The strict application of these regulations would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the affected property; or

B. An alternative site plan or subdivision design approach which meets the purpose of the regulations equally well or better than compliance with the existing regulations.

In either of the forgoing circumstances, the waiver may be granted so that justice may be done and the public interest secured, provided that such waiver will not have the effect of nullifying the intent and purposes of these Regulations, the Zoning Ordinance or the Master Plan.

The Planning Board shall approve or disapprove waivers based upon the evidence presented to it in each specific case.

An applicant shall request in writing to waive specific requirements of these Regulations as they pertain to the application, by the application deadline for a regularly scheduled Planning Board meeting. The Planning Board's publicly noticed agenda for the particular meeting shall clearly indicate that a waiver request(s) has been received, a copy of which is available at the Community Development office and that the waiver request(s) will be considered at the meeting.

Abutter notification is required for all waiver requests.

All approved waivers shall be noted on the plans, indicating the sections waived and a general description of the waivers.