

## ZONING AMENDMENTS

### Procedure for Posting of Public Notices and Certified mail

Presented to the Planning Board for Public Hearing on February 28, 2024

*Proposed additions to current language shown like this*

*Proposed deletions from current language shown like this*

#### ❖ ARTICLE I - GENERAL PROVISIONS

##### **175-5. Applicability to Governmental Uses including the University of New Hampshire.**

The provisions of this chapter shall be advisory with respect to governmental uses as identified by RSA 674:54 including the University of New Hampshire (UNH) except as provided in C. below.

- A. The state agency, county, municipal agency, university, school district or other governmental entity identified in RSA 674:54 shall provide the Planning Board with written notification of any use of its property or facilities that constitutes a substantial change in use or a substantial new use. This notification shall be provided to the Town Planner at least sixty (60) days prior to the start of construction and shall contain plans, specifications, and explanations of the proposed use and an assessment of the potential impacts of the use on the community. The notification for any project involving the University of New Hampshire shall be in accordance with the adopted “Process for Coordination and Communication” between the University and the Town. The Planning Board may hold a public hearing on the proposed use. If a hearing is held, the hearing shall be held within thirty (30) days of the receipt of the written notification and at least two (2) weeks after ~~publication of a notice thereof in a paper of general circulation in the town~~ *posting of the notice on the Town website*. The purpose of such hearing shall be to bring to light possible problems of traffic circulation, parking, provision of utilities, the protection of persons and property or any other problems affecting the town or the neighborhood. A representative of the governmental entity or UNH shall be present at the hearing to present the plans, specifications, and construction schedule, and to provide explanations. The Planning Board may issue nonbinding written comments relative to conformity or nonconformity of the proposal with normally applicable land use regulations to the government entity or university within 30 days after the hearing, together with any recommendations for minimizing any adverse impacts of the project on the community.

#### ❖ ARTICLE IV- INTERPRETATION, AMENDMENTS, AND LEGAL PROVISIONS

##### **175-14. Amendment Procedure.**

###### **D. Public Notice and Hearing Requirements.**

1. Notice. Notice shall be given for the time and place of the public hearing at least ten (10) days before the hearing. The notice required under this section shall not include the day notice is posted or published or the day of the public hearing. Notice of ~~each the~~ public hearing shall be *posted prominently on the Town’s website and published in a newspaper of general circulation in the municipality and shall be posted* in at least two (2) *other* public places.

❖ **ARTICLE VII - CONDITIONAL USE PERMITS**

**175-22. Procedures.**

**A. Application.**

1. Application for a conditional use permit may be made by the owner of the affected property, or his or her designated agent, on a form obtainable from the Town Planner.
2. The completed application and fee as set by the Town Council shall be submitted to the Town Planner or his or her designee. Said fee is nonrefundable.

**B. Procedure for Consideration.**

1. After receipt by the Town Planner or his or her designee, the completed application shall be transmitted to the Planning Board staff for their review and evaluation.
2. The planning staff shall set a public hearing date and ~~post publish~~ a notice advertising the public hearing before the Planning Board ~~on the Town website~~ **in a newspaper of general circulation**. Public notice shall be made at least ten (10) calendar days prior to the meeting of the Planning Board at which the application is to be considered.
3. The planning staff shall also mail written notice, by ~~verified certified~~ mail, to all abutting and adjacent property owners within three hundred (300) feet of the subject property and a sign measuring two by three (2 x 3) feet shall be placed on the property by the applicant not less than ten (10) calendar days prior to the time of the public hearing by the Planning Board. The sign shall remain on the property until the conclusion of the public hearing. This sign shall be visible from the most heavily traveled street right-of-way adjacent to the property. The sign shall state the date of the public hearing, the time, the location and the action to be considered. (Where the subject property abuts a public right-of-way, the three hundred (300) foot measurement shall be in addition to the right-of-way along the abutting side.)

❖ **ARTICLE XVII - DURHAM HISTORIC OVERLAY DISTRICT**

**175-95. Procedures For Review Of A Certificate Of Approval.**

**B. Review of the Application.**

1. Public Hearing. At its discretion, when deemed appropriate, the Commission is authorized to hold a public hearing at which time opinions of abutters and interested citizens shall be heard. Notice of the Public Hearing shall be sent to abutters and posted ~~on the Town website~~ **in a newspaper of general circulation** at least ten (10) calendar days prior to the hearing. In the case of significant projects that involve demolition, the HDC may hold an additional public hearing any time after the start of construction to allow for concerns to be identified and conveyed to the applicant and Town enforcement officials. Applicants shall be invited but are not required to attend any such public hearing.

