

# Bill as Introduced

HB 303-FN - AS INTRODUCED

2011 SESSION

11-0805  
08/04

HOUSE BILL           **303-FN**

AN ACT               relative to the regulation of planned unit developments.

SPONSORS:          Rep. K. Hutchinson, Rock 3

COMMITTEE:       Municipal and County Government

---

ANALYSIS

This bill requires municipalities adopting ordinances regulating planned unit developments of 100 acres or more to require a public hearing and vote of approval by ballot of such developments.

-----

Explanation:       Matter added to current law appears in *bold italics*.  
                      Matter removed from current law appears ~~[in brackets and struck through]~~  
                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

**STATE OF NEW HAMPSHIRE**

*In the Year of Our Lord Two Thousand Eleven*

**AN ACT** relative to the regulation of planned unit developments.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1       **1 New Section; Planned Unit Developments.** Amend RSA 674 by inserting after section 21-a the  
2 following new section:

3       **674:21-b Planned Unit Developments.** Any ordinance adopted by a city or town that allows for a  
4 planned unit development of 100 acres or more shall require a special public hearing for the purpose  
5 of describing the plans for the planned unit development. A majority vote of approval by ballot of the  
6 voters of such city or town shall be required. A planned unit development shall include parcels of  
7 land having multiple purposes that will have access to city water and sewer systems.

8       **2 Effective Date.** This act shall take effect upon its passage.

LBAO  
11-0805  
01/19/11

**HB 303-FN - FISCAL NOTE**

AN ACT           relative to the regulation of planned unit developments.

**FISCAL IMPACT:**

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

**HB 303 FISCAL NOTE**

AN ACT           relative to the regulation of planned unit developments.

**FISCAL IMPACT:**

The New Hampshire Municipal Association states this bill may increase local expenditures by an indeterminable amount in FY 2011 and in each fiscal year thereafter. There will be no fiscal impact on state and county revenues or expenditures or local revenues.

**METHODOLOGY:**

The New Hampshire Municipal Association states this bill provides if a municipal ordinance allows for a planned unit development of 100 acres or more, the ordinance shall require a special public hearing to describe the plans for the development and a majority vote of approval by ballot of the voters of the city or town. The Association states it is unclear whether the special public hearing required by this bill is in addition to public hearings that may be already required by municipalities or how and when the vote of the city or town would take place. The Association states if additional public hearings were required or if votes were to occur other than at a regular municipal election, there will be an indeterminable increase in local expenditures.

# Speakers



# Hearing Minutes



HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 303-FN

**BILL TITLE:** relative to the regulation of planned unit developments.

**DATE:** February 10, 2011

**LOB ROOM:** 301      **Time Public Hearing Called to Order:** 10:02 am

**Time Adjourned:** 10:18 am

(please circle if present)

**Committee Members:** Reps. Ferrante, Sterling, B. Patten, Lockwood, Accornero, Belanger, Burt, Coffey, Copeland, Moore, Munck, Shackett, Stroud, DeStefano, Roberts, Hooper and Tatro.

**Bill Sponsors:** Rep. K. Hutchinson, Rock 3

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Hutchinson** – Sponsor - This is about giving people a say in zoning. A huge PUD can put in a development that is totally different from the character of the existing community with no vote of the people. If a special town meeting is required it should be paid for by the developer. There should be a vote on such significant changes. Ans. - Londonderry has a Planning Board but most people don't have an opportunity to speak. Ans. - I suppose you could change zoning regulations but this probably would not affect developments already applied for.

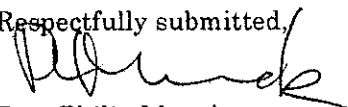
**Ari Pollack** representing Home Buildings Association of NH – Oppose. Development business should not be about popularity. Developer has to comply with the regulations as they exist. Would impact the predictability of land use.

**Russ Collins**, a Sandown contractor & local board member – Oppose. An impediment to proper development.

**Ken Clinton** of NH Land Surveyors Association – Oppose. Town's PUD should be adequate to protect the community. The 100 acre threshold is completely arbitrary.

**Cordell Johnston** of NHMA – Oppose. This goes too far in land use regulation.

Respectfully submitted,

  
Rep. Philip Munck  
Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 303-FN

BILL TITLE: relative to the regulation of planned unit developments.

DATE: 2-10-11

LOB ROOM: 301 Time Public Hearing Called to Order: 10:02

Time Adjourned: 10:18

(please circle if present)

Committee Members: Reps. Ferrante, Sterling, B. Patten, Lockwood, Accornero, Belanger, Burt, Coffey, Copeland, Moore, Munk, Shackett, Stroud, DeStefano, Roberts, Hooper and Tatro.

Bill Sponsors: Rep. K. Hutchinson, Rock 3

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

HB303-FN

Rep. Hutchinson – Sponsor - This is about giving people a say in zoning. A huge PUD can put in a development that is totally different from the character of the existing community with no vote of the people. If a special town meeting is required it should be paid for by the developer. There should be a vote on such significant changes. Ans. - Londonderry has a Planning Board but most people don't have an opportunity to speak. Ans. - I suppose you could change zoning regulations but this probably would not affect developments already applied for.

Ari Pollack representing Home Buildings Association of NH – Oppose. Development business should not be about popularity. Developer has to comply with the regulations as they exist. Would impact the predictability of land use.

Russ Collins, a Sandown contractor & local board member – Oppose. An impediment to proper development.

Ken Clinton of NH Land Surveyors Association – Oppose. Town's PUD should be adequate to protect the community. The 100 acre threshold is completely arbitrary.

Cordell Johnston of NHMA – Oppose. This goes too far in land use regulation.

# Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 303-FN

**BILL TITLE:** relative to the regulation of planned unit developments.

**DATE:** February 10, 2011

**LOB ROOM:** 301

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Coffey

Seconded by Rep. Accornero

Vote: 15-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:** YES NO (Please circle)

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Philip Munck, Clerk



HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 303-FN

BILL TITLE: relative to the regulation of planned unit developments.

DATE: 2-10-11

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, (ITL) Interim Study (Please circle one.)

Moved by Rep. Coftee

Seconded by Rep. Accornero

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE, YES NO (Please circle)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Munck, Clerk

**MUNICIPAL AND COUNTY GOVERNMENT**

Bill #: 303 Title: relative to the regulation of planned unit development

PH Date: 2 / 10 / 11

Exec Session Date: 2 / 10 / 11

Motion: ITL

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Ferrante, Beverly A, Chairman	✓	
Sterling, Franklin W, V Chairman	✓	
Patten, Betsey L	✓	
Lockwood, Priscilla P	✓	
Accornero, Harry	✓	
Belanger, James P	✓	
Burt, John A	Absent	
Coffey, James E	✓	
Copeland, Timothy D	✓	
Moore, Robert W	✓	
Munck, Philip L	✓	
Shackett, Jeffrey S	✓	
Stroud, Kathleen M	✓	
DeStefano, Stephen T	✓	
Roberts, Kris E	Absent	
Hooper, Dorothea D	✓	
Tatro, Bruce L	✓	
TOTAL VOTE:	15	0

# Committee Report



**CONSENT CALENDAR**

**February 15, 2011**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on MUNICIPAL AND COUNTY**

**GOVERNMENT to which was referred HB303-FN,**

**AN ACT relative to the regulation of planned unit  
developments. Having considered the same, report the  
same with the following Resolution: RESOLVED, That it  
is INEXPEDIENT TO LEGISLATE.**

**Rep. James E Coffey**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	MUNICIPAL AND COUNTY GOVERNMENT
Bill Number:	HB303-FN
Title:	relative to the regulation of planned unit developments.
Date:	February 15, 2011
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

### STATEMENT OF INTENT

This bill is unnecessary because the subject is presently well regulated by the municipalities local planning and zoning authority. This bill as written will usurp local planning and zoning regulations by subjecting the final approval of a planned unit development to a popular vote without any method of appeal for the property owner.

Vote 15-0.

Rep. James E Coffey  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

**CONSENT CALENDAR**

**MUNICIPAL AND COUNTY GOVERNMENT**

**HB303-FN**, relative to the regulation of planned unit developments. **INEXPEDIENT TO LEGISLATE.**

Rep. James E Coffey for MUNICIPAL AND COUNTY GOVERNMENT. This bill is unnecessary because the subject is presently well regulated by the municipalities local planning and zoning authority. This bill as written will usurp local planning and zoning regulations by subjecting the final approval of a planned unit development to a popular vote without any method of appeal for the property owner. **Vote 15-0.**

Original: House Clerk  
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: MUNICIPAL + COUNTY GOVERNMENT

BILL NUMBER: HB 303-FN

TITLE: RELATIVE TO THE REGULATION OF PLANNED UNIT DEVELOPMENTS

DATE: Feb 10, 2011 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. \_\_\_\_\_

STATEMENT OF INTENT:

HB 303-FN IS UNNECESSARY BECAUSE THE SUBJECT IS PRESENTLY WELL REGULATED BY THE MUNICIPALITIES LOCAL ~~AND~~ <sup>PLANNING</sup> AND ZONING AUTHORITY. THIS BILL AS WRITTEN WILL USURP LOCAL PLANNING AND ZONING REGULATIONS BY SUBJECTING THE FINAL APPROVAL OF A PLANNED UNIT DEVELOPMENT TO A POPULAR VOTE WITHOUT ANY METHOD OF APPEAL FOR THE PROPERTY OWNER.

BAF

COMMITTEE VOTE: 15-0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Jamae Coffey  
For the Committee