

Bill as Introduced

SB 144 - AS AMENDED BY THE SENATE

02/23/11 0402s

2011 SESSION

11-1026
08/09

SENATE BILL **144**

AN ACT relative to extending certain permits and approvals.

SPONSORS: Sen. Carson, Dist 14; Sen. Odell, Dist 8; Rep. B. Patten, Carr 4; Rep. Renzullo, Hills 27

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill extends certain permits and approvals for subdivision of land, fill and dredge of wetlands, and activities under the comprehensive shoreland protection act.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 extending certain permits and approvals.

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

1 1 Regulation of Subdivision of Land. Amend RSA 674:39, V to read as follows:

2 V. Notwithstanding the time limits established in paragraph I, every subdivision plat and
3 site plan approved by the planning board on or after January 1, 2007 and prior to July 1, [2009] **2011**
4 shall be allowed 36 months after the date of approval *or until July 1, 2012, whichever is greater,*
5 to achieve active and substantial development or building as described in subparagraph I(a) and
6 every subdivision plat and site plan approved by the planning board on or after July 1, 2005 and
7 prior to July 1, [2009] **2011** shall be allowed 6 years after the date of approval to achieve substantial
8 completion of the improvements as described in paragraph II.

9 2 New Paragraph; Fill and Dredge in Wetlands. Amend RSA 482-A:3 by inserting after
10 paragraph XIV the following new paragraph:

11 XIV-a. All permits issued pursuant to this chapter shall be valid for a period of 5 years.
12 Requests for extension of said permit may be made to the department pursuant to administrative
13 rules adopted under RSA 482-A:31. Said rules shall provide for one extension of up to 5 additional
14 years, provided the applicant demonstrates all of the following:

15 (a) The permit for which extension is sought has not been revoked or suspended without
16 reinstatement;

17 (b) Extension would not violate a condition of law or rule;

18 (c) The project is proceeding towards completion in accordance with plans and other
19 documentation referenced by the permit; and

20 (d) The applicant proposes reasonable mitigation measures to protect the public waters
21 of the state from deterioration during the period of extension.

22 3 New Paragraph; Comprehensive Shoreland Protection Act. Amend RSA 483-B:5-b by
23 inserting after paragraph V the following new paragraph:

24 VI. All permits issued pursuant to this chapter shall be valid for a period of 5 years.
25 Requests for extension of said permit may be made to the department pursuant to administrative
26 rules adopted under RSA 483-B:17. Said rules shall provide for one extension of up to 5 additional
27 years, provided the applicant demonstrates all of the following:

28 (a) The permit for which extension is sought has not been revoked or suspended without
29 reinstatement;

30 (b) Extension would not violate a condition of law or rule;

SB 144 – AS AMENDED BY THE SENATE

- Page 2 -

1 (c) The project is proceeding towards completion in accordance with plans and other
2 documentation referenced by the permit; and

3 (d) The applicant proposes reasonable mitigation measures to protect the shorelands and
4 public waters of the state from deterioration during the period of extension.

5 4 Effective Date. This act shall take effect upon its passage.

Amendments

Rep. Renzullo, Hills. 27
April 11, 2011
2011-1393h
08/10

Amendment to SB 144

- 1 Amend the title of the bill by replacing it with the following:
- 2
- 3 AN ACT relative to extending permits and approvals for subdivision of land.
- 4
- 5 Amend the bill by deleting sections 2-3 and renumbering the original section 4 to read as 2.

Amendment to SB 144
- Page 2 -

2011-1393h

AMENDED ANALYSIS

This bill extends certain permits and approvals for subdivision of land.

Amendment to SB 144

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to approvals for site plans and subdivision of land.

4

5 Amend the bill by replacing section 1 with the following:

6

7 1 Regulation of Subdivision of Land. Amend RSA 674:39 to read as follows:

8 674:39 [~~Four-Year~~] *Five-Year* Exemption.

9 I. Every subdivision plat approved by the planning board and properly recorded in the
10 registry of deeds and every site plan approved by the planning board and properly recorded in the
11 registry of deeds, if recording of site plans is required by the planning board or by local regulation,
12 shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations,
13 impact fee ordinances, and zoning ordinances adopted by any city, town, or county in which there are
14 located unincorporated towns or unorganized places, except those regulations and ordinances which
15 expressly protect public health standards, such as water quality and sewage treatment
16 requirements, for a period of [~~4~~] 5 years after the date of approval; provided that:

17 (a) Active and substantial development or building has begun on the site by the owner or
18 the owner's successor in interest in accordance with the approved subdivision plat within [~~12~~] 24
19 months after the date of approval, or in accordance with the terms of the approval, and, if a bond or
20 other security to cover the costs of roads, drains, or sewers is required in connection with such
21 approval, such bond or other security is posted with the city, town, or county in which there are
22 located unincorporated towns or unorganized places, at the time of commencement of such
23 development;

24 (b) Development remains in full compliance with the public health regulations and
25 ordinances specified in this section; and

26 (c) At the time of approval and recording, the subdivision plat or site plan conforms to
27 the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the
28 location of such subdivision plat or site plan.

29 II. Once substantial completion of the improvements as shown on the subdivision plat or site
30 plan has occurred in compliance with the approved subdivision plat or site plan or the terms of said
31 approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's
32 successor in interest shall vest and no subsequent changes in subdivision regulations, site plan

Amendment to SB 144

- Page 2 -

1 regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4,
2 shall operate to affect such improvements.

3 III. The planning board may, as part of its subdivision and site plan regulations or as a
4 condition of subdivision plat or site plan approval, specify the threshold levels of work that shall
5 constitute the following terms, with due regard to the scope and details of a particular project:

6 (a) "Substantial completion of the improvements as shown on the subdivision plat or site
7 plan," for purposes of fulfilling paragraph II; and

8 (b) "Active and substantial development or building," for the purposes of fulfilling
9 paragraph I.

10 IV. Failure of a planning board to specify by regulation or as a condition of subdivision plat
11 or site plan approval what shall constitute "active and substantial development or building" shall
12 entitle the subdivision plat or site plan approved by the planning board to the [4-year] *5-year*
13 exemption described in paragraph I. The planning board may, for good cause, extend the [12-month]
14 *24-month* period set forth in [paragraph] *subparagraph* I(a).

15 ~~[V. Notwithstanding the time limits established in paragraph I, every subdivision plat and~~
16 ~~site plan approved by the planning board on or after January 1, 2007 and prior to July 1, 2009 shall~~
17 ~~be allowed 36 months after the date of approval to achieve active and substantial development or~~
18 ~~building as described in subparagraph I(a) and every subdivision plat and site plan approved by the~~
19 ~~planning board on or after July 1, 2005 and prior to July 1, 2009 shall be allowed 6 years after the~~
20 ~~date of approval to achieve substantial completion of the improvements as described in paragraph~~
21 ~~II.]~~

Speakers

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON SB 144

BILL TITLE: relative to extending certain permits and approvals.
DATE: April 12, 2011
LOB ROOM: 305 **Time Public Hearing Called to Order:** 11:25 a.m.
Time Adjourned: 11:40 a.m.

(please circle if present)

Committee Members: Reps. Renzullo, Kappler, C. Christensen, Russell, Ahlgren, Merrow, Bolster, Howard, Hutchinson, Loveth, Pettengill, Schroadter, Spang, Parkhurst, Moody, Aguiar and Thomas

Bill Sponsors: Sen. Carson, Dist 14; Sen. Odell, Dist 8; Rep. B. Patten, Carr 4; Rep. Renzullo, Hills 27

TESTIMONY

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

Rep. L. Mike Kappler - Introduced in the absence of the sponsor.

Rep. Andrew Renzullo - Co-sponsor of the bill. SB 144 and SB 38, SB 38 is part of 144. SB 144, part one, deals with subdivisions, which normally go to Municipal and County. An amendment is pending that will take out some of the conflicts.

* **Collis Adams, NH Department of Environmental Services (DES)** - Supports the bill.

Ari Pollock, Homebuilders Group - Supports the bill. Agreed that there is overlap between SB 38 and SB 144. He prefers the language of SB 38. We need this extension because proposed projects have substantial investment but have delays in financing due to recession.

Rep. Renzullo - After discussing the amendment with a positive vote, this bill will go to Municipal and County Government Committee.

Respectfully submitted,



Rep. D. L. Chris Christensen
Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON SB 144

BILL TITLE: relative to extending certain permits and approvals.

DATE: 4/12/11

LOB ROOM: 305

Time Public Hearing Called to Order: ~~12:50~~ 11:25

Time Adjourned: 11:40 am

(please circle if present)

Committee Members: Reps. Renzullo, Kappler, C. Christensen, Russell, Ahlgren, Merrow, Bolster, Howard, Hutchinson, Lovett, Pettengill, Schroadter, Spang, Parkhurst, Moody, Aguiar and Thomas.

Bill Sponsors: Sen. Carson, Dist 14; Sen. Odell, Dist 8; Rep. B. Patten, Carr 4; Rep. Renzullo, Hills 27

TESTIMONY

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

4/12/11

SB 144

Extension of certain permits

1) Rep. Kapler - Intro in the absence of sponsor.

2) Rep. Rengullo SB 144 & SB 38 -
SB 38 is part of 144

SB 144, part one, deals w/ subdivision which normally go to Municipal + County

An amendment is pending that will take out some of the conflicts.

* 3) Colis Adams JES - Support

4) Ari Pollack - Homebuilder group.
Agreed that there is overlap between SB 38 & SB 144. He prefers the language of SB 38

Ari Pollock - continued - pg 2 of 2

Ari Pollock - we need this extension become proposed projects, have substantial investment but have delays in financing due to recession.

Rep Ruzello After discussing the amendment with a partner, note this bill will go to Manager of County Gov't Coun.

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON SB 144

BILL TITLE: relative to extending certain permits and approvals.
DATE: May 5, 2011
LOB ROOM: 301 **Time Public Hearing Called to Order:** 1:30 pm
Time Adjourned: 1:50 pm

(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: Sen. Carson, Dist 14; Sen. Odell, Dist 8; Rep. B. Patten, Carr 4; Rep. Renzullo, Hills 27

TESTIMONY

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

Sen. Sharon Carson – Sponsor- Follows SB 93 enacted in 2009 in response to economic conditions and extends protection for subdivision projects that are stalled for economic reasons. This only tracks projects that are impacted by the current economic situation.

***Paul Morin**- N.H. Home Builders and Remodelers Association – Support. Have amendment to make the language clearer. Want to have the approvals valid for another year over the current statute. This would require starting in 24 months and complete within 5 years. Ans. - The idea for “vesting” development rights is to let a project go forward without the risk of requirements changing while it was under construction but I don't think this would allow the clock to be restarted for an existing approved project. Ans. - We are asking for a permanent solution and avoid coming back in future years so going from six years to five years is a compromise. Ans. - The clock runs from the approval of the project regardless of whether is is sold.

Michael Williams – NHMA – No position. Don't support the amendment being proposed. Ans. - We don't support a permanent change in the time frame. We could have supported a one-time extension but need to consult with membership before taking that position. We have not made those contacts yet.

Respectfully submitted,



Rep. Philip Munck
Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON SB 144

BILL TITLE: relative to extending certain permits and approvals.

DATE: 5-5-11

LQB ROOM: 301 **Time Public Hearing Called to Order:** 1:30 p.m.

Time Adjourned: 1:50 p.m.

(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: Sen. Carson, Dist 14; Sen. Odell, Dist 8; Rep. B. Patten, Carr 4; Rep. Renzullo, Hills 27

TESTIMONY

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

Municipal and County Government Committee
May 5, 2011

SB144

Sen. Sharon Carson – Sponsor- Follows SB 93 enacted in 2009 in response to economic conditions and extends protection for subdivision projects that are stalled for economic reasons. This only tracks projects that are impacted by the current economic situation.

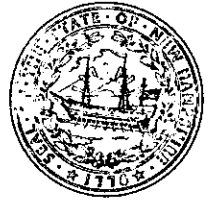
*Paul Morin- N.H. Home Builders and Remodelers Association – Support. Have amendment to make the language clearer. Want to have the approvals valid for another year over the current statute. This would require starting in 24 months and complete within 5 years. Ans. - The idea for “vesting” development rights is to let a project go forward without the risk of requirements changing while it was under construction but I don't think this would allow the clock to be restarted for an existing approved project. Ans. - We are asking for a permanent solution and avoid coming back in future years so going from six years to five years is a compromise. Ans. - The clock runs from the approval of the project regardless of whether is is sold.

Michael Williams – NHMA – No position. Don't support the amendment being proposed. Ans. - We don't support a permanent change in the time frame. We could have supported a one-time extension but need to consult with membership before taking that position. We have not made those contacts yet.

Testimony



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

3*

April 12, 2011

The Honorable Andrew Renzullo, Chairman
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: SB 144 relative to extending certain permits and approvals

Dear Chairman Renzullo:

Thank you for the opportunity to comment on SB 144 as amended by the Senate, which would extend certain permits and approvals for subdivision of land, fill and dredge of wetlands, and activities under the Comprehensive Shoreland Protection Act.

The Department of Environmental Services (DES) has no position on Section 1 of this bill that proposes changes to RSA 674:39, V because it addresses local land use regulation and has no impact on DES programs. DES supports the other sections of the bill that amend RSA 482-A and RSA 483-B because they provide additional flexibility to applicants to complete projects as their resources permit while ensuring that all permit conditions necessary to protect the environment remain in place.

Thank you for the opportunity to comment on this legislation. If you have any questions or need additional information, please do not hesitate to call Collis Adams at 271-4054 or me at 271-2958.

Sincerely,

Thomas S. Burack
Commissioner

cc: Senator Carson
Senator Odell
Representative Patten

CHAPTER 674
LOCAL LAND USE PLANNING AND REGULATORY POWERS

Regulation of Subdivision of Land

674:39 Four-Year Exemption.

I. Every subdivision plat approved by the planning board and properly recorded in the registry of deeds and every site plan approved by the planning board and properly recorded in the registry of deeds, if recording of site plans is required by the planning board or by local regulation, shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by any city, town, or county in which there are located unincorporated towns or unorganized places, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 4 years after the date of approval; provided that:

(a) Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within 12 months after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the city, town, or county in which there are located unincorporated towns or unorganized places, at the time of commencement of such development;

(b) Development remains in full compliance with the public health regulations and ordinances specified in this section; and

(c) At the time of approval and recording, the subdivision plat or site plan conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the location of such subdivision plat or site plan.

II. Once substantial completion of the improvements as shown on the subdivision plat or site plan has occurred in compliance with the approved subdivision plat or site plan or the terms of said approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect such improvements.

III. The planning board may, as part of its subdivision and site plan regulations or as a condition of subdivision plat or site plan approval, specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:

(a) "Substantial completion of the improvements as shown on the subdivision plat or site plan," for purposes of fulfilling paragraph II; and

(b) "Active and substantial development or building," for the purposes of fulfilling paragraph I.

IV. Failure of a planning board to specify by regulation or as a condition of subdivision plat or site plan approval what shall constitute "active and substantial development or building" shall entitle the subdivision plat or site plan approved by the planning board to the 4-year exemption described in paragraph I. The planning board may, for good cause, extend the 12-month period set forth in paragraph I(a).

V. Notwithstanding the time limits established in paragraph I, every subdivision plat and site plan approved by the planning board on or after January 1, 2007 and prior to July 1, 2009 shall

For Use With SB 144

be allowed 36 months after the date of approval to achieve active and substantial development or building as described in subparagraph I(a) and every subdivision plat and site plan approved by the planning board on or after July 1, 2005 and prior to July 1, 2009 shall be allowed 6 years after the date of approval to achieve substantial completion of the improvements as described in paragraph II.

Source. 1983, 447:1. 1989, 266:17, 18. 1991, 331:1, 2. 1995, 43:5; 291:7, 8. 2004, 199:1, eff. June 7, 2004. 2009, 93:1, eff. June 12, 2009.

Amendment to SB 144

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Proposed by Rep. _____

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Amend the bill by replacing section 1 with the following:

1 Regulation of Subdivision of Land. Amend RSA 674:39, I to read as follows:

I. Every subdivision plat approved by the planning board and properly recorded in the registry of deeds and every site plan approved by the planning board and properly recorded in the registry of deeds, if recording of site plans is required by the planning board or by local regulation, shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by any city, town, or county in which there are located unincorporated towns or unorganized places, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of ~~4~~ 5 years after the date of approval; provided that:

(a) Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within ~~12~~ 24 months after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the city, town, or county in which there are located unincorporated towns or unorganized places, at the time of commencement of such development;

2 Repeal RSA 674:39 V in its entirety.

~~—V. Notwithstanding the time limits established in paragraph I, every subdivision plat and site plan approved by the planning board on or after January 1, 2007 and prior to July 1, 2009 shall be allowed 36 months after the date of approval to achieve active and substantial development or building as described in subparagraph I(a) and every subdivision plat and site plan approved by the planning board on or after July 1, 2005 and prior to July 1, 2009 shall be allowed 6 years after the date of approval to achieve substantial completion of the improvements as described in paragraph II.~~

3 RSA 674:39 to be renamed as follows:
674:39 FourFive-Year Exemption. —

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on SB 144

BILL TITLE: relative to extending certain permits and approvals.

DATE: April 12, 2011

LOB ROOM: 305

Amendments:

Sponsor: Rep. Renzullo OLS Document #: 2011 1393h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Kappler

Seconded by Rep. Parkhurst

Vote: 13-0 (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: 13-0

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Chris Christensen, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on SB 144

BILL TITLE: relative to extending certain permits and approvals.

DATE: 4/12/11

LOB ROOM: 305

Amendments:

Sponsor: Rep. *Renzullo*

OLS Document #: 2011 - 1393h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep. *Kappler*

Seconded by Rep. *Parlhurst*

Vote: 13-0 (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*

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Chris Christensen, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON SB 144

BILL TITLE: relative to extending certain permits and approvals.

DATE:

Subcommittee Members: Reps.

Comments and Recommendations:

Amendments:

Sponsor: Rep.

Sponsor: Rep.

Sponsor: Rep.

1393 h
Renzullo

OTP/A

OLS Document #:

OLS Document #:

OLS Document #:

VV

Unanimous

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

Moved by Rep.

Seconded by Rep.

Vote:

Kappler. Parkhurst

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

Moved by Rep.

Seconded by Rep.

Vote:

13-0

VV

Respectfully submitted,

Rep.

Subcommittee Chairman/Clerk

OFFICE OF THE HOUSE CLERK
 RESOURCES, RECREATION and DEVELOPMENT.

Bill# SB 144 Title Extending certain permits
 and approvals

PH Date 4/12/11 Exec Date 4/12/11

Motion OSP/A Amendment # 1393h

Member	Yea	Nay
RENZULLO, Chair	✓	
KAPPLER Vice-Chair	✓	
CHRISTENSEN	✓	
RUSSELL	Absent	
AHLGREN	✓	
MERROW	✓	
BOLSTER	✓	
HOWARD	Absent	
HUTCHINSON	✓	
LOVETT	✓	
PETTENGILL	Absent ✓	
SCHROADTER	Absent	
SPANG	✓	
PARKHURST	✓	
MOODY	Absent	
AGUIAR	✓	
THOMAS	✓	

TOTAL 13 0

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on SB 144

BILL TITLE: relative to extending certain permits and approvals.

DATE: May 17, 2011

LOB ROOM: 301

Amendments:

Sponsor: Rep. Sterling OLS Document #: 2011 1797h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. Burt

Seconded by Rep. Patten

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

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

Moved by Rep. Belanger

Seconded by Rep. Coffey

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

CONSENT CALENDAR VOTE: Yes No (please circle one)

(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 SB 144

BILL TITLE: relative to extending certain permits and approvals.

DATE: 5/17/11

LOB ROOM: 301

Amendments:

Sponsor: Rep. ~~Ferrante~~ *Sterling*

OLS Document #: 2011-1797h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

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

Moved by Rep. *Burt*

Seconded by Rep. *Patten*

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

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

Moved by Rep. *Belanger*

Seconded by Rep. *Colley*

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

CONSENT CALENDAR VOTE Yes No (please circle one)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Philip Munck, Clerk

PL Munck

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: SB 144 Title: approvals of site plans

PH Date: 5/5/11 Exec Session Date: 5/17/11

Motion: ~~Roll~~ OTP Amendment #: 2011-1797 h

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	✓	
Coffey, James E	✓	
Copeland, Timothy D	✓	
Moore, Robert W <i>Hikel</i>	✓	
Munck, Philip L	✓	
Shackett, Jeffrey S	Abs	
Stroud, Kathleen M	✓	
DeStefano, Stephen T <i>Bouchard, C</i>	✓	
Roberts, Kris E	Abs	
Hooper, Dorothea D	✓	
Tatro, Bruce L	✓	

TOTAL VOTE: 15 0
 Printed: 1/4/2011

Candance Bouchard

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: SB144 Title: approvals

PH Date: 5 / 5 / 11

Exec Session Date: 5 / 17 / 11

Motion: OTPA

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	✓	
Coffey, James E	✓	
Copeland, Timothy D	✓	
Moore, Robert W - <u>Hikel</u>	✓	
Munck, Philip L	✓	
Shackett, Jeffrey S	Abs	
Stroud, Kathleen M	✓	
DeStefano, Stephen - <u>Bouchard, C</u>	✓	
Roberts, Kris E	Abs	
Hooper, Dorothea D	✓	
Tatro, Bruce L	✓	

TOTAL VOTE:
Printed: 1/4/2011

15

0

Committee Report

CONSENT CALENDAR

April 13, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on RESOURCES, RECREATION AND DEVELOPMENT to which was referred SB144,

AN ACT relative to extending certain permits and approvals. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Andrew Renzullo

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	RESOURCES, RECREATION AND DEVELOPMENT
Bill Number:	SB144
Title:	relative to extending certain permits and approvals.
Date:	April 13, 2011
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

Through a drafting error SB 144, which is a bill containing subject matter within the purview of the municipal and county government committee, also had attached to it a section nearly identical to that contained within SB 38, a bill the Resources, Recreation and Development Committee heard the previous week. Accordingly, R. R. & D. amended SB 144 to remove this identical section and passed the remainder of the bill with the expectation that this now clean bill, dealing with planning board activities, would be referred to the proper committee.

Vote 13-0.

Rep. Andrew Renzullo
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

RESOURCES, RECREATION AND DEVELOPMENT

SB144, relative to extending certain permits and approvals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Andrew Renzullo for RESOURCES, RECREATION AND DEVELOPMENT. Through a drafting error SB 144, which is a bill containing subject matter within the purview of the municipal and county government committee, also had attached to it a section nearly identical to that contained within SB 38, a bill the Resources, Recreation and Development Committee heard the previous week. Accordingly, R. R. & D. amended SB 144 to remove this identical section and passed the remainder of the bill with the expectation that this now clean bill, dealing with planning board activities, would be referred to the proper committee. **Vote 13-0.**

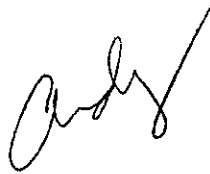
Original: House Clerk
Cc: Committee Bill File

SB 144

OTP/A

Through a drafting error SB 144, which is a bill containing subject matter within the purview of the municipal and county government committee, also had attached to it a section nearly identical to that contained within SB 38, a bill the Resources, Recreation and Development Committee heard the previous week. Accordingly, R. R. & D. amended SB 144 to remove this identical section and passed the remainder of the bill with the expectation that this now clean bill, dealing with planning board activities, would be referred to the proper committee.

Andy Renzullo

A handwritten signature in black ink, appearing to read "Andy", with a long, sweeping horizontal stroke extending to the right.

COMMITTEE REPORT

COMMITTEE: Resources, Recreation / Development

BILL NUMBER: SB144

TITLE: _____

DATE: _____ CONSENT CALENDAR: YES NO

OUGHT TO PASS

OUGHT TO PASS W/ AMENDMENT

INEXPEDIENT TO LEGISLATE

INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

Thru a drafting error, SB144, which is a bill
containing subject ^{matter} ~~matter~~ within the purview of the
municipal and county Government committee, also had
attached to it a section nearly ^{identical} to that contained
within SB-38, a bill the Resources, Recreation and
Development committee heard the previous week. Accordingly,
RR&D amended SB144 to remove this ^{identical} section and
passed the remainder of the bill with the expectation
that ~~the~~ this ^{now clean bill,} ~~section~~ dealing with planning board
activities, would be referred to the proper committee.

COMMITTEE VOTE: _____

RESPECTFULLY SUBMITTED,

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

Rep. Andy Renzullo
For the Committee

CONSENT CALENDAR

May 18, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on MUNICIPAL AND COUNTY

GOVERNMENT to which was referred SB144,

AN ACT relative to extending certain permits and approvals. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. James P Belanger

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	MUNICIPAL AND COUNTY GOVERNMENT
Bill Number:	SB144
Title:	relative to extending certain permits and approvals.
Date:	May 18, 2011
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

Presently, planning board subdivision plans and site approvals are exempt from subdivision, site plan review, impact fees and zoning ordinance changes for a period of four years as long as substantial development or building has begun within one year (12 months) of the approval and recording of the plans. This amended bill makes a minor but important change (RSA 674:39) and extends the periods to five years and start of substantial development or building to 24 months. Given the increased complexity of today's permitting and financing requirements and the slowed sale rate of new homes, projects need this additional time to earn vested rights. This was a bi-partisan vote with no testimony in opposition to the bill or to the amendment.

Vote 15-0.

Rep. James P Belanger
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

MUNICIPAL AND COUNTY GOVERNMENT

SB144, relative to extending certain permits and approvals. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James P Belanger for MUNICIPAL AND COUNTY GOVERNMENT. Presently, planning board subdivision plans and site approvals are exempt from subdivision, site plan review, impact fees and zoning ordinance changes for a period of four years as long as substantial development or building has begun within one year (12 months) of the approval and recording of the plans. This amended bill makes a minor but important change (RSA 674:39) and extends the periods to five years and start of substantial development or building to 24 months. Given the increased complexity of today's permitting and financing requirements and the slowed sale rate of new homes, projects need this additional time to earn vested rights. This was a bi-partisan vote with no testimony in opposition to the bill or to the amendment. **Vote 15-0.**

Original: House Clerk
Cc: Committee Bill File

SB 144

OTP/A

Presently, planning board subdivision plans and site approvals are exempt from subdivision, site plan review, impact fees and zoning ordinance changes for a period of four years as long as substantial development or building has begun within one year (12 months) of the approval and recording of the plans. This amended bill makes a minor but important change (RSA 674:39) and extends the periods to five years and start of substantial development or building to 24 months. Given the increased complexity of today's permitting and financing requirements and the slowed sale rate of new homes, projects need this additional time to earn vested rights. This was a bi-partisan vote with no testimony in opposition to the bill or to the amendment.

Jim Belanger

BAF

COMMITTEE REPORT

COMMITTEE: MC Govt

BILL NUMBER: SB 144

TITLE: relative to extending certain permits and approvals

DATE: 5-17-11 CONSENT CALENDAR: YES NO

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

Amendment No. <u>2011-1797 h</u>

STATEMENT OF INTENT:

BAF

Blurb on SB 144

Presently, planning board subdivision plans and site approvals are exempt from subdivision, site plan review, impact fees and zoning ordinance changes for a period of four years as long as substantial development or building has begun within one year (12 months) of the approval and recording of the plans. This amended bill makes a minor but important change (RSA674:39) and extends the periods to 5 years and start of substantial development or building to 24 months. Given the increased complexity of today's permitting and financing requirements and the slowed sale rate of new homes, projects need this additional time to earn vested rights. This was a bi-partisan vote with no testimony in opposition to the bill or to the amendment.

Jim Belanger

BAF

COMMITTEE VOTE: 15-0

RESPECTFULLY SUBMITTED,

- | |
|---|
| <ul style="list-style-type: none"> • Copy to Committee Bill File • Use Another Report for Minority Report |
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Rep. Jim Belanger
 For the Committee