

# Committee Report

**CONSENT CALENDAR**

**January 28, 2019**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Municipal and County Government to  
which was referred HB 136,**

**AN ACT increasing the maximum period for the zoning  
board of adjustment to hold a public hearing. Having  
considered the same, report the same with the  
recommendation that the bill OUGHT TO PASS.**

**Rep. Donna Mombourquette**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	HB 136
Title:	increasing the maximum period for the zoning board of adjustment to hold a public hearing.
Date:	January 28, 2019
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

### STATEMENT OF INTENT

This bill was requested to provide relief for municipalities with fewer resources to assure an adequate time frame between application, notice of hearing, and the scheduled date of hearing. Because many municipalities meet monthly, the timing of the receipt of application often required a second meeting to be scheduled, creating a burden on resources. Municipalities able to conduct hearings within a 30 day period will not be impacted by this bill. The bill extends the time for scheduling a Zoning Board of Appeals hearing from 30 to 45 days from the time of receipt of an application for appeal.

Vote 17-0.

Rep. Donna Mombourquette  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Municipal and County Government

**HB 136**, increasing the maximum period for the zoning board of adjustment to hold a public hearing. **OUGHT TO PASS.**

Rep. Donna Mombourquette for Municipal and County Government. This bill was requested to provide relief for municipalities with fewer resources to assure an adequate time frame between application, notice of hearing, and the scheduled date of hearing. Because many municipalities meet monthly, the timing of the receipt of application often required a second meeting to be scheduled, creating a burden on resources. Municipalities able to conduct hearings within a 30 day period will not be impacted by this bill. The bill extends the time for scheduling a Zoning Board of Appeals hearing from 30 to 45 days from the time of receipt of an application for appeal. **Vote 17-0.**

# Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 136

**BILL TITLE:** increasing the maximum period for the zoning board of adjustment to hold a public hearing.

**DATE:** January 23, 2019

**LOB ROOM:** 301

**MOTIONS:** OUGHT TO PASS

Moved by Rep. Mombourquette

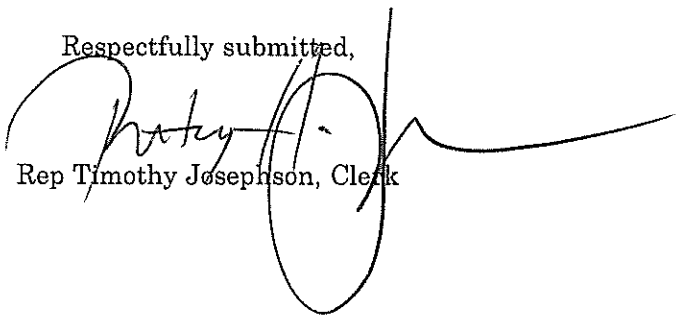
Seconded by Rep. Meader

Vote: 17-0

**CONSENT CALENDAR: YES**

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Timothy Josephson', with a long horizontal flourish extending to the right.

Rep Timothy Josephson, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 136

BILL TITLE: increasing the maximum period for the zoning board of adjustment to hold a public hearing.

DATE: January 23, 2019

LOB ROOM: 301

MOTION: (Please check one box)

- OTP, ITL, Retain (1st year), Adoption of Amendment #, Interim Study (2nd year)

Moved by Rep. Mombourquette Secoded by Rep. Meeder Vote: 17-0

MOTION: (Please check one box)

- OTP, OTP/A, ITL, Retain (1st year), Adoption of Amendment #, Interim Study (2nd year)

Moved by Rep. Secoded by Rep. Vote:

MOTION: (Please check one box)

- OTP, OTP/A, ITL, Retain (1st year), Adoption of Amendment #, Interim Study (2nd year)

Moved by Rep. Secoded by Rep. Vote:

MOTION: (Please check one box)

- OTP, OTP/A, ITL, Retain (1st year), Adoption of Amendment #, Interim Study (2nd year)

Moved by Rep. Secoded by Rep. Vote:

CONSENT CALENDAR: X YES \_\_\_ NO

Minority Report? \_\_\_ Yes X No If yes, author, Rep: Motion

Respectfully submitted: [Signature] Rep Timothy Josephson, Clerk



2019 SESSION

Municipal and County Government

Bill #: 136 Motion: OTP AM #: \_\_\_\_\_ Exec Session Date: 1/23/19

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Carson, Clyde J. Chairman	17		
Tatro, Bruce L. Vice Chairman	1		
Porter, Marjorie A.	2		
Treleaven, Susan GS	0		—
Gilman, Julie D.	3		
Josephson, Timothy Clerk	4		
Meader, David R.	5		
Dargie, Paul P.	6		
Maggiore, Jim V.	7		
Mombourquette, Donna M.	8		
Stavis, Laurel			—
Belanger, James P.	9		
Migliore, Vincent Paul	10		
Abramson, Max	11		
Dolan, Tom			—
Kittredge, Derek MacMillen	12		
MacDonald, John T.	13		
Perreault, Mona	14		
Piemonte, Tony	15		
Pratt, Kevin M.	16		
<b>TOTAL VOTE:</b>	<u>17-0</u>		



# Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 136

**BILL TITLE:** increasing the maximum period for the zoning board of adjustment to hold a public hearing.

**DATE:** January 15, 2019

**LOB ROOM:** 301

**Time Public Hearing Called to Order:** 10:30 a.m.

**Time Adjourned:** 10:42 a.m.

**Committee Members:** Reps. Tatro, Josephson, Porter, Treleaven, Gilman, Meader, Dargie, Maggiore, Mombourquette, Belanger, Migliore, Dolan, Kittredge, MacDonald, Perreault, Piemonte and Pratt

**Bill Sponsors:**

Rep. Tanner

Rep. Carson

TESTIMONY

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

1. Rep Tanner, Sullivan 9 - Prime Sponsor

- a. This bill was a constituent request to increase the time that a zoning board gives more time between the notice and the appeal hearing
- b. Deferring questions to the two citizens she brought

2. \* Sue Gottling, resident of Sunapee, member of Sunapee Selectboard

- a. Sunapee Selectboard voted on 1/14/19 unanimously to support this bill
- b. \*\*\* See written testimony \*\*\*
- c. Q - Porter: yesterday we heard a bill similarly related that would reduce the time because the concern was that in large towns could move things faster and delaying it would cause problems. Do you foresee that extending the time like this could have detrimental effects on this? (speaking for small towns with an organized schedule, this is a reasonable request)
- d. Q - Treleaven: as I read this, it has to be within 45 days, and it was within 30 days, so it can be done sooner than 30 days

3. \* Daniel Snyder, Sunapee

- a. Constituent referenced above
- b. Representing himself
- c. \*\*\* see written testimony \*\*\*
- d. No questions

4. Cordell Johnston, NHMA

- a. Supports the bill
- b. No questions

Respectfully submitted,

Rep. Timothy Josephson, Clerk





HB136 - increasing the maximum period for the zoning board of adjustment to hold a public hearing

1. Rep Tanner, Sullivan 9 - Prime Sponsor
  - a. This bill was a constituent request to increase the time that a zoning board gives more time between the notice and the appeal hearing
  - b. Deferring questions to the two citizens she brought
2. \*\*\* Sue Gottling, resident of Sunapee, member of Sunapee Selectboard
  - a. Sunapee Selectboard voted on 1/14/19 unanimously to support this bill
  - b. \*\*\* See written testimony \*\*\*
  - c. Q - Porter: yesterday we heard a bill similarly related that would reduce the time because the concern was that in large towns could move things faster and delaying it would cause problems. Do you foresee that extending the time like this could have detrimental effects on this? (speaking for small towns with an organized schedule, this is a reasonable request)
  - d. Q - Treleven: as I read this, it has to be within 45 days, and it was within 30 days, so it can be done sooner than 30 days
3. \*\*\* Daniel Snyder, Sunapee
  - a. Constituent referenced above
  - b. Representing himself
  - c. \*\*\* see written testimony \*\*\*
  - d. No questions
4. Cordell Johnston, NHMA
  - a. Supports the bill
  - b. No questions



# Testimony

To the Members of the NH House Municipal and County Committee; Chairman Clyde Carson

The Sunapee Board of Selectman supports HB 136, a bill that increases the period of time available to a zoning board to schedule a public hearing. The town of Sunapee is fortunate in the willingness of many citizen-volunteers to run for important boards such as planning and zoning. However, there are times when state regulations create an extra, perhaps unnecessary, challenge to these boards. RSA 676:7 requires the Zoning Board to schedule a public hearing within 30 days after receiving an application needing a public hearing. This deadline can make it impossible for the committee to comply without asking members to attend an extra previously unscheduled meeting. This creates a hardship for members who are often juggling work and family responsibilities. It also complicates the duties of the zoning administrator who cannot give a firm date to an applicant until the Zoning Board has been polled and a quorum is available. Ordinarily, the Zoning Administrator would give the potential applicant the schedule for deadlines so that an application would arrive in time for notifications to newspapers and abutters before the public hearing. If an application is received just after the public notice deadline it would go to the next scheduled meeting, exceeding the 30 days requirement. An applicant filing in this situation would not know when the hearing will be until the Zoning Board can poll its members and ensure a Quorum is available. Extending the deadline avoids uncertainty for both applicants and Board Members.

We urge the committee to revise the statutory deadline.

*Suzanne H. Gottlieb*  
*Sunapee Selectboard Vice Chairman*

Bill as  
Introduced

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HB 136 - AS INTRODUCED

2019 SESSION

19-0064  
11/01

HOUSE BILL

**136**

AN ACT            increasing the maximum period for the zoning board of adjustment to hold a public hearing.

SPONSORS:        Rep. Tanner, Sull. 9; Rep. Carson, Merr. 7

COMMITTEE:      Municipal and County Government

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ANALYSIS

This bill increases the time frame within which the zoning board of adjustment must hold a public hearing.

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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 Nineteen*

AN ACT            increasing the maximum period for the zoning board of adjustment to hold a public hearing.

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

- 1        1 Zoning Board of Adjustment; Public Hearing. Amend RSA 676:7, II to read as follows:
- 2            II. The public hearing shall be held within [~~30~~] 45 days of the receipt of the notice of appeal.
- 3        2 Effective Date. This act shall take effect 60 days after its passage.