

Bill as Introduced

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

ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 136 - AS INTRODUCED

19-0064

11/01

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.

CHAPTER 2
HB 136 - FINAL VERSION

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

ANALYSIS

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

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 2
HB 136 - FINAL VERSION

19-0064
11/01

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 2:1 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.
 2:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: May 10, 2019
Effective Date: July 09, 2019

Committee Minutes

AMENDED
SENATE CALENDAR NOTICE
Election Law and Municipal Affairs

Sen Melanie Levesque, Chair
Sen Tom Sherman, Vice Chair
Sen Jon Morgan, Member
Sen Regina Birdsell, Member
Sen James Gray, Member

Date: March 20, 2019

HEARINGS

Wednesday

03/27/2019

(Day)

(Date)

Election Law and Municipal Affairs

LOB 102

9:00 a.m.

(Name of Committee)

(Place)

(Time)

9:00 a.m.

HB 130-LOCAL

relative to property tax relief for totally and permanently disabled veterans.

9:30 a.m.

HB 136

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

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 130-LOCAL

Rep. Panasiti

Rep. Desilets

HB 136

Rep. Tanner

Rep. Gunski

Sen. Reagan

Rep. Carson

Rep. Janigian

Rep. Baldasaro

Tricia Melillo 271-3077

Melanie Levesque
Chairman

Senate Election Law and Municipal Affairs Committee

Tricia Melillo 271-3077

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

Hearing Date: March 27, 2019

Members of the Committee Present: Senators Levesque, Sherman, Morgan, Birdsell and Gray

Members of the Committee Absent : None

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

Sponsors:

Rep. Tanner

Rep. Carson

Who supports the bill: Representative Tanner, Daniel Schneider, Sue Gottling, Cordell Johnston

Who opposes the bill: None

Summary of testimony presented in support:

Representative Tanner

- She brought this bill on behalf of constituents from Sunapee.
- The bill will ensure there is an adequate amount of time for the zoning board to give notice of hearings.
- This bill extends the maximum period to hold a public hearing from 30 days to 45 days.
- Senator Sherman asked if this bill would result in towns not having to hold extra meetings. Representative Tanner replied that was correct.

Daniel Schneider

- As of right now if an application is received approximately a week or less before a scheduled monthly meeting date, there will not be enough time to meet the notice requirements and the application cannot be considered at the Zoning boards next meeting date.
- Frequently, the following regularly scheduled meeting date will be more than 30 days beyond the application date and when this happens the board must

schedule an additional meeting according to RSA 676:7.

- This is problematic for members of the board and the applicant. Many towns have different boards meeting each night and there is difficulty scheduling a place to hold an extra meeting.
- Amending RSA 676:7 would fix these problems by allowing the board to hold a public hearing within 45 days of a town receiving an application.

Sue Gottling - Sunapee, NH Select board

- The Sunapee Board of Selectmen are in full support of this bill.
- The town has a number of citizen volunteers for these boards and the current law adds an extra burden to them.
- The current law complicates the work of the Zoning administrator who needs to inform applicants of the next meeting and as of now these meeting times are uncertain.
- Senator Sherman asked if this is the only board that is affected by these deadlines. Ms. Gottling has not heard of other boards being affected.
- Senator Levesque asked if this will give boards more time to plan. Ms. Gottling replied that it will.

Cordell Johnston - New Hampshire Municipal Association

- As of now if an application is filed just before the current month's meeting, there is not enough time to get a notice out. Therefore, the case will not be heard.
- There are times when the board cannot meet the thirty-day requirement.
- Usually in these small towns there is only one meeting room for all boards and when scheduling additional meeting there are conflicts with other meetings.
- Senator Sherman asked if there are other boards that have this problem. Mr. Johnston stated there are other bills that address other boards. They are all separate in statute.

Summary of testimony presented in opposition: None

Speakers

Testimony

Request to Amend RSA 676:7

Increase the Maximum Period for the Zoning Board of Adjustment to Hold a Public Hearing to 45 Days from 30 Days

Background

A town may choose to schedule its Zoning Board of Adjustment (ZBA) meetings monthly on a specified day of the month, for example the first Thursday of the month. Such a schedule is beneficial in that (1) ZBA members and the Zoning Administrator can plan in advance to be available on such dates; (2) ZBA members and the Zoning Administrator need to commit to only one meeting per month, therefore encouraging citizens to be candidates for ZBA membership; (3) Citizens who wish to attend ZBA meetings have advance knowledge of the date of such meetings; (4) It can be assured that ZBA meetings will not conflict with meetings of other town boards; (5) A meeting venue can be reserved. If such a schedule is followed, meetings will be held 4 or 5 weeks apart, therefore 28 or 35 days apart, depending on the calendar.

RSA 676:7 states that the ZBA must hold a public hearing within 30 days of the town receiving an application for ZBA action. RSA 676:7 also states that notice must be posted 5 days in advance of the hearing, notices must be sent to abutters 5 days in advance of the hearing, and a notice must be published 5 days in advance of the hearing in "a newspaper of general circulation in the area."

The Problem

If an application is received approximately a week or less before a scheduled monthly meeting date, there will not be enough time to meet the notice requirements, and the application cannot be considered at the ZBA's next meeting date. However, frequently the following regularly scheduled meeting date will be more than 30 days beyond the application date. In addition, if an application is received on a meeting date or up to 4 days following a meeting date when the next following scheduled meeting date is 35 days hence, the next scheduled meeting date is also more than 30 days beyond the application date. Therefore the provision of RSA 676:7 which requires that the ZBA hold a public hearing within 30 days of receiving an application is inconsistent with a regular specific monthly meeting schedule.

Proposed Solution

Amend RSA 676:7 to state that the ZBA must hold a public hearing within 45 days of the town receiving an application.

Voting Sheets

•

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2019 Session**

Bill # HB 136

Hearing date: 3-27-19

Executive Session date: 4/3/19

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Levesque, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Sherman, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Morgan	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sherman

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, April 3, 2019

THE COMMITTEE ON Election Law and Municipal Affairs

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, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Tom Sherman
For the Committee

This bill will increase the time frame within which the zoning board of adjustment must hold a public hearing. It extends the time from thirty days to forty-five days. As a result, the board will not have to hold extra meetings for applications that come in close to the scheduled regular meeting. Additionally, it will relieve the extra administrative burden from the board volunteers.

Tricia Melillo 271-3077

Docket of HB136

Docket Abbreviations

Bill Title: increasing the maximum period for the zoning board of adjustment to hold a public hearing.*Official Docket of HB136.:*

Date	Body	Description
12/26/2018	H	Introduced 01/02/2019 and referred to Municipal and County Government HJ 2 P. 39
1/9/2019	H	Public Hearing: 01/16/2019 10:30 am LOB 301
1/16/2019	H	Executive Session: 01/23/2019 01:00 pm LOB 301
1/29/2019	H	Committee Report: Ought to Pass for 02/14/2019 (Vote 17-0; CC) HC 11 P. 9
2/14/2019	H	Ought to Pass: MA VV 02/14/2019 HJ 5 P. 19
3/12/2019	S	Introduced 03/07/2019 and Referred to Election Law and Municipal Affairs; SJ 8
3/20/2019	S	Hearing: 03/27/2019, Room 102, LOB, 10:30 am; SC 15
4/3/2019	S	Committee Report: Ought to Pass, 04/11/2019; Vote 5-0; CC SC 17
4/11/2019	S	Ought to Pass: MA, VV; OT3rdg; 04/11/2019; SJ 12
4/25/2019	S	Enrolled (In recess 04/25/2019); SJ 15
4/25/2019	H	Enrolled 04/11/2019 HJ 13 P. 127
5/13/2019	H	Signed by Governor Sununu 05/10/2019; Chapter 2; Eff: 07/09/2019

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 136

Senate Committee: Elec. Law + MA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Executive Session Sheet

Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # ___ ___ - amendment # ___

___ - amendment # ___ ___ - amendment # ___

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office JM