

Committee Report

REGULAR CALENDAR

March 15, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Municipal and County Government to which was referred HB 332, relative to deadlines for consideration of developments of regional impact by planning boards.

WITHOUT RECOMMENDATION

COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	HB 332
Title:	relative to deadlines for consideration of developments of regional impact by planning boards.
Date:	March 15, 2021
Consent Calendar:	Regular Calendar
Recommendation:	WITHOUT RECOMMENDATION

Statement in support of Ought to Pass: The intent of this bill is to give reasonable consideration to developments of regional impact by clarifying the date upon which planning boards begin formal consideration of plats relating to developments of regional impact.

Rep. Everett McBride

Statement in support of Inexpedient to Legislate: This bill as presented attempts to amend RSA 676:4, I (c)(1), Planning and Zoning: Board's Procedures on Plats, by extended the time for which the board shall act if the board has declared regional impact. The regional impact statute (NH RSA 36:57-58) provides "timely notice to potentially affected municipalities concerning proposed developments which are likely to have impacts beyond the boundaries of a single municipality." Under current law the window of time can be very tight for all parties to gain the full and complete input once the statutory 65-day time clock begins on those cases where regional impact has been declared. HB 332 as presented makes specific reference to "commencement of a public hearing held pursuant to RSA 36:57". In fact, RSA 36:57 establishes the requirement to notify the affected parties prior to the public hearing and the required time frame for issuing those notices, but not the specific timing for the public hearing itself. The timing for the public hearing already exists within RSA 676:4. Therefore an amendment to HB 332 is suggested to accomplish the original intent. At the time of the vote, the committee did not have an amendment.

Rep. Jim Maggiore

Original: House Clerk
Cc: Committee Bill File

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Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 332

BILL TITLE: relative to deadlines for consideration of developments of regional impact by planning boards.

DATE: February 9, 2021

LOB ROOM: Hybrid

MOTIONS: WITHOUT RECOMMENDATION

Moved by Rep. McBride

Seconded by Rep. Tripp

Vote: 9-9

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John MacDonald, Clerk



2021 SESSION

Municipal and County Government

 Bill #: HB332 Motion: OTP AM #: _____ Exec Session Date: 2/9/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Dolan, Tom Chairman	9		
Piemonte, Tony Vice Chairman	1		
MacDonald, John T. Clerk	2		
Tripp, Richard P.		1	
Guthrie, Joseph A.	3		
Lascelles, Richard W.	4		
McBride, Everett P.	5		
Melvin, Charles R.	6		
Ayer, Paul F.			
Pauer, Diane	7		
Porter, Marjorie A.		2	
Treleaven, Susan GS		3	
Gilman, Julie D.		4	
Maggiore, Jim V.		5	
Stavis, Laurel		6	
Mangipudi, Latha D.		7	
Vann, Ivy C.	8		
Klee, Patricia S.		8	
Gallager, Eric B.		9	
TOTAL VOTE:	9	9	

Public Hearing

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 332

BILL TITLE: relative to deadlines for consideration of developments of regional impact by planning boards.

DATE: February 8, 2021

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

Time Adjourned: 10:45 a.m.

Committee Members: Reps. Dolan, Piemonte, J. MacDonald, Tripp, Guthrie, Lascelles, McBride, Melvin, Ayer, Pauer, Porter, Treleaven, Gilman, Maggiore, Stavis, Mangipudi, Vann, Klee and Gallagher

Bill Sponsors:

Rep. Seaworth

Sen. Birdsell

TESTIMONY

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

Rep. Seaworth - Prime sponsor of the bill. Slight change, so there is parity to the development of Regional Impact. Why is the bill necessary? I am the chair of town planning board. Spent a lot of time on RSA's working on the application. Determining there was a regional impact. There was no way we could continue the hearing from November to December. The 65 day decision was due to expire. I offered to come up with the legislation to resolve this problem. It will smooth the process, and focus on viewing the application.

Mr. Graves, NH Municipal Association - Opposes the bill. It doesn't seem to do what the sponsor wants it to do. Which is to speed up the process.

Rep. Mangipudi: How does this shift local control to state? Will this bring uniformity to municipalities in the state? ANS: Bordering towns, with a regional impact allows municipalities to give their thoughts on the impact to the community. The purpose is to give flexibility to the local planning board. Allows to start the application a little earlier.

Rep. Klee: Is line 15 suppose to be plat? ANS: No, that is supposed to be plat,

Respectfully submitted,

Rep. John MacDonald
Clerk

House Remote Testify

Municipal and County Government Committee Testify List for Bill HB332 on 2021-02-08

Support: 2 Oppose: 1 Neutral: 1 Total to Testify: 2

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Greyes, Natch	ngreyes@nhmunicipal.org	603.224.7711	A Lobbyist	New Hampshire Municipal Association	Oppose	Yes (2m)	2/5/2021 2:55 PM
Seaworth, Brian	brian.seaworth@leg.state.nh.us	603.722.0807	An Elected Official	Prime Sponsor	Support	Yes (10m)	1/30/2021 3:00 PM
Cronin, Carolyn	ccronin@pembroke-nh.com	4854747	A Member of the Public	Myself	Support	No	2/2/2021 1:33 PM
Rathbun, Eric	ericsrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Neutral	No	2/7/2021 11:16 PM

Testimony

Archived: Tuesday, April 20, 2021 10:13:59 AM
From: [Richard MacMillan](#)
Sent: Sunday, February 7, 2021 11:08:25 AM
To: [Jim Belanger](#); [~House Municipal and County Govt](#)
Subject: ADU additions
Importance: Normal

As a 13 year member of the Hollis ZBA I most adamantly oppose the pending legislation HB332 to allow 3 additional ADUs to any dwelling unit, regardless of lot size, as a matter of right. To begin with, lot size is critical when determining the capacity of septic systems. This is just common sense. Additionally, allowing every single family home in a community to become, in effect, a four unit apartment house would have a dramatic effect on community services and school systems as well changing the character of entire neighborhoods without regard for present home owners rights. ADU's were intended to assist home owners in caring for family member housing needs and have been limited to one such unit per dwelling unit with proscribed size, septic design and without altering the exterior of an existing dwelling to like like anything other than a single family residence. Please reject this non-sensical bill. These issues must and should be decided upon at the local level, voted upon by community residents and codified in local zoning ordinances.

Richard MacMillan
51 Worcester Road
Hollis, New Hampshire

Bill as
Introduced

HB 332 - AS INTRODUCED

2021 SESSION

21-0519

11/10

HOUSE BILL **332**

AN ACT relative to deadlines for consideration of developments of regional impact by planning boards.

SPONSORS: Rep. Seaworth, Merr. 20; Sen. Birdsell, Dist 19

COMMITTEE: Municipal and County Government

ANALYSIS

This bill clarifies the date upon which planning boards begin formal consideration of plats relating to developments of regional impact.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
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 Twenty One

AN ACT relative to deadlines for consideration of developments of regional impact by planning boards.

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

1 1 Planning and Zoning; Board's Procedures on Plats. Amend RSA 676:4, I(c)(1) to read as
2 follows:

3 (c)(1) The board shall, at the next regular meeting or within 30 days following the
4 delivery of the application, for which notice can be given in accordance with the requirements of
5 subparagraph (b), determine if a submitted application is complete according to the board's
6 regulation and shall vote upon its acceptance. Upon determination by the board that a submitted
7 application is incomplete according to the board's regulations, the board shall notify the applicant of
8 the determination in accordance with RSA 676:3, which shall describe the information, procedure, or
9 other requirement necessary for the application to be complete. Upon determination by the board
10 that a submitted application is complete according to the board's regulations ***or, in the case of a***
11 ***development of regional impact, upon the commencement of the public hearing held***
12 ***pursuant to RSA 36:57***, the board shall begin formal consideration and shall act to approve,
13 conditionally approve as provided in subparagraph (i), or disapprove within 65 days, subject to
14 extension or waiver as provided in subparagraph (f). Upon failure of the board to approve,
15 conditionally approve, or disapprove the application, the selectmen or city council shall, upon request
16 of the applicant, immediately issue an order directing the board to act on the application within 30
17 days. If the planning board does not act on the application within that 30-day time period, then
18 within 40 days of the issuance of the order, the selectmen or city council shall certify on the
19 applicant's application that the plat is approved pursuant to this paragraph, unless within those 40
20 days the selectmen or city council has identified in writing some specific subdivision regulation or
21 zoning or other ordinance provision with which the application does not comply. Such a certification,
22 citing this paragraph, shall constitute final approval for all purposes including filing and recording
23 under RSA 674:37 and 676:18, and court review under RSA 677:15.

24 2 Effective Date. This act shall take effect 60 days after its passage.