

Committee Report

CONSENT CALENDAR

March 10, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Municipal and County Government
to which was referred HB 573,**

**AN ACT relative to the uses of certain large retail
properties. Having considered the same, report the
same with the following resolution: RESOLVED, that it
is INEXPEDIENT TO LEGISLATE.**

Rep. Latha Mangipudi

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Municipal and County Government
Bill Number:	HB 573
Title:	relative to the uses of certain large retail properties.
Date:	March 10, 2021
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill attempts to fix a local zoning issue and was an overreach. It takes local control away from municipalities who should to be able to address local issues effectively and efficiently.

Vote 19-0.

Rep. Latha Mangipudi
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Municipal and County Government

HB 573, relative to the uses of certain large retail properties. **INEXPEDIENT TO LEGISLATE.**

Rep. Latha Mangipudi for Municipal and County Government. This bill attempts to fix a local zoning issue and was an overreach. It takes local control away from municipalities who should be able to address local issues effectively and efficiently. **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 573

BILL TITLE: relative to the uses of certain large retail properties.

DATE: March 8, 2021

LOB ROOM: Hybrid

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Mangipudi

Seconded by Rep. Stavis

Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John MacDonald, Clerk



2021 SESSION

Municipal and County Government

Bill #: 573 Motion: ITL AM #: _____ Exec Session Date: 3/8/21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
	19		
Dolan, Tom Chairman			
Piemonte, Tony Vice Chairman	1		
MacDonald, John T. Clerk	2		
Tripp, Richard P.	3		
Guthrie, Joseph A. <u>WALLACE</u>	4		
Lascelles, Richard W.	5		
McBride, Everett P.	6		
Melvin, Charles R.	7		
Ayer, Paul F.	8		
Pauer, Diane	9		
Porter, Marjorie A.	10		
Treleaven, Susan GS	11		
Gilman, Julie D.	12		
Maggiore, Jim V.	13		
Stavis, Laurel	14		
Mangipudi, Latha D.	15		
Vann, Ivy C.	16		
Klee, Patricia S.	17		
Gallager, Eric B.	18		
TOTAL VOTE:	19	0	

Public Hearing

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 573

BILL TITLE: relative to the uses of certain large retail properties.

DATE: March 3, 2021

LOB ROOM: Hybrid **Time Public Hearing Called to Order:** 11:44 a.m.

Time Adjourned: 12:16 p.m.

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

Bill Sponsors:

Rep. Janigian

Rep. Abbas

Rep. Gay

Rep. McBride

TESTIMONY

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

Rep. Janigian - Prime sponsor of the bill. Constituents - brick and mortar and are really struggling. They have tremendous cost on change of use. 15,000 sq. foot establishment. Trying to make sure parking is not a problem and it keeps with existing ordinances.

Rep. Stavis: Any residential on mixed use changes? ANS: No, if this bill needs more clarification, this committee can address it.

Rep. Stavis: I am trying to envision this change? ANS: There are some communities that require it.

Rep. Tripp: No mention of what the new use might be. Certain zones have limited uses and they may not be permitted. Would this allow that to happen? ANS: Only for uses that are currently permitted in the current zone.

Adam Abbas - All this is doing, if there is a furniture store and they go out of business and they wanted to sell something, they would have to go for a change of use. Give us some flexibility on leases. The market would dictate a lot of this.

Rep. Porter: Who establishes the ordinances that allow retail? ANS: It is the towns themselves that establish it.

Rep. Porter: If we passed this bill, it would enable the towns to do this? ANS: Yes, I am more familiar with Salem.

Rep. Stavis: Would you consider making this enabling legislation? ANS: It would not help out anyone if it was enabling.

Rep. Gilman: If this is a statewide mandate, what would happen if the person was not happy? Where would the appeal go? The local board or the court? ANS: If this was passed, they would become aware of it. It would be between the applicant and the board.

Rep. Melvin: How would this work in a strip mall? ANS: It is only for the actual space, the size of the interior space. They have to be less than 15,000 square feet or less.

Rep. Maggiore: Still have to comply with sign ordinance? ANS: Yes, they would.

Rep. Stavis: The strip mall space is usually leased from a person who does not live in New Hampshire? ANS: The landlord will need to do their due diligence to become aware of this legislation.

Cordell Johnston, NH Municipal Association - Opposes the bill. Uses that are based on size belongs in the local ordinances and not under the state. This bill talks about different uses, which are defined in the local ordinances. I don't think this even does what the sponsors want it to do. Municipalities already have the authority to do this. They can adopt these type of projects at the local level. RSA 674:43 IV.

Respectfully submitted,

Rep. John MacDonald
Clerk

House Remote Testify

Municipal and County Government Committee Testify List for Bill HB573 on 2021-03-03

Support: 4 Oppose: 2 Neutral: 0 Total to Testify: 3

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Signed Up</u>
Abbas, Adam	Salem, NH adam2306@yahoo.com	A Member of the Public	Myself	Support	Yes (3m)	2/27/2021 7:00 PM
Janigian, John	Salem, NH john.janigian@leg.state.nh.us	An Elected Official	Myself	Support	Yes (2m)	3/2/2021 10:01 AM
Johnston, Cordell	Concord, NH cjohnston@nhmunicipal.org	A Lobbyist	NH Municipal Association	Oppose	Yes (2m)	3/2/2021 12:37 PM

Testimony

Bill as
Introduced

HB 573 - AS INTRODUCED

2021 SESSION

21-0711

10/04

HOUSE BILL **573**

AN ACT relative to the uses of certain large retail properties.

SPONSORS: Rep. Janigian, Rock. 8; Rep. Abbas, Rock. 8; Rep. Gay, Rock. 8; Rep. McBride, Rock. 8

COMMITTEE: Municipal and County Government

ANALYSIS

This bill allows for a zoning category change in use for certain large retail commercial spaces without a variance or conditional use permit.

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 the uses of certain large retail properties.

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

1 1 New Section; Zoning; Large Retail Change of Use; Exception from Variance Requirement.

2 Amend RSA 674 by inserting after section 33-a the following new section:

3 674:33-b Large Retail Change of Use; Exception from Variance Requirement. Notwithstanding
4 RSA 674:16, any existing commercial space that is currently zoned with a category of use for large
5 retail or for retail sales of furniture, automobiles, nursery stock or such other goods as usually
6 involve extensive display areas in relation to customer traffic shall not require a variance or
7 conditional use permit for a change of category of use if all of the following criteria are met:

8 I. The retail space is 15,000 square feet or less.

9 II. The property is in an area zoned commercial. Grandfathered commercial areas that are
10 encompassed within an area that is zoned something other than commercial are not eligible for this
11 automatic change of use and must go through the normal process for a change of use.

12 III. The change of category of use is from large retail or retail sales of furniture,
13 automobiles, nursery stock and such other goods as usually involve extensive display areas in
14 relation to customer traffic to either or both of retail or retail stores, store groups, shops and service
15 establishments.

16 IV. The landlord agrees in writing or via email to the planning and/or zoning department
17 prior to the new tenant's occupancy to operate and manage the property so parking does not overflow
18 onto neighboring or adjacent parking lots unless such overflow is already allowed or agreed upon for
19 the specific site, or existing town or city ordinances or zoning laws allow for such overflow.

20 2 Effective Date. This act shall take effect 60 days after its passage.