

**CONSENT CALENDAR**

**March 9, 2022**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Municipal and County Government  
to which was referred HB 1136,**

**AN ACT requiring planning boards to list the type of  
studies required to render a decision. Having  
considered the same, report the same with the following  
resolution: RESOLVED, that it is INEXPEDIENT TO  
LEGISLATE.**

**Rep. Paul Ayer**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Municipal and County Government</b>
Bill Number:	<b>HB 1136</b>
Title:	<b>requiring planning boards to list the type of studies required to render a decision.</b>
Date:	<b>March 9, 2022</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

This bill requires planning boards to list the type of studies required to render a decision. The planning boards already publish their needs for a decision.

Vote 19-0.

Rep. Paul Ayer  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Municipal and County Government

**HB 1136**, requiring planning boards to list the type of studies required to render a decision.  
**INEXPEDIENT TO LEGISLATE.**

Rep. Paul Ayer for Municipal and County Government. This bill requires planning boards to list the type of studies required to render a decision. The planning boards already publish their needs for a decision. **Vote 19-0.**

Original: House Clerk  
Cc: Committee Bill File

**HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT**

**EXECUTIVE SESSION on HB 1136**

**BILL TITLE:** requiring planning boards to list the type of studies required to render a decision.

**DATE:** February 23, 2022

**LOB ROOM:** 301 - 303

**MOTIONS:** **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Ayer

Seconded by Rep. Pauer

Vote: 19-0

**CONSENT CALENDAR: YES**

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

Respectfully submitted,

Rep John MacDonald, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1136

BILL TITLE: requiring planning boards to list the type of studies required to render a decision.

DATE: 2/23/22

LOB ROOM: 301-303

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. Ayer Seconded by Rep. Pavun Vote: 19-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1<sup>st</sup> year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
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- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

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- OTP
- OTP/A
- ITL
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- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

CONSENT CALENDAR:  YES  NO

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

Respectfully submitted: *John MacDonal*  
 Rep John MacDonal, Clerk



2022 SESSION

Municipal and County Government

Bill #: 1136 Motion: I-TL AM #: \_\_\_\_\_ Exec Session Date: 2/23/22

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

**HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT**

**PUBLIC HEARING ON HB 1136**

**BILL TITLE:** requiring planning boards to list the type of studies required to render a decision.

**DATE:** February 3, 2022

**LOB ROOM:** 301 - 303

**Time Public Hearing Called to Order:** 9:00 a.m.

**Time Adjourned:** 9:35 a.m.

**Committee Members:** Reps. Dolan, Piemonte, J. MacDonald, Tripp, Lascelles, Melvin, Pauer, Maggiore, Gilman, Stavis, Mangipudi, Vann, Klee, Gallagher and Rung

**Bill Sponsors:**

Rep. Yokela

**TESTIMONY**

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

**Rep. Josh Yokela** - Prime sponsor of the bill. List plans required to render a decision. Better predict expenses for listed studies. Wouldn't be required for same study multiple times.

**Rep. Gallagher:** More specifying of what repetitive is? **ANS:** You would be studying the same thing again. Unless there was a change in the plan.

**Rep. Stavis:** Can you tell me where the title of the bill comes from? **ANS:** I would have to look that up. Some projects may require numerous studies? **ANS:** The cost of the studies are the fees for the application. If a planning wanted to do another study, there would have to be a vote taken. I don't see that in a bill? **ANS:** They would vote if the plan had substantially changed.

**Rep. Rung:** Is this a solution looking for a problem? Any specific situations for the drafting of this bill? **ANS:** I only live in one town. There was something controversial in the town I lived in.

**Rep. Pauer:** 1) ref. 674.0 - A-E add F, 2) site plan regs. in my town, my town lists studies. What is the purpose of this bill? Is it to clearly list the studies and fees? **ANS:** I believe the list is not comprehensive. The cost of each study will vary widely. Things that you are looking at should be listed. Section F, substantial impact is defined? **ANS:** Not aware of any definition.

**Rep. Stavis:** Letter grammatical errors. Line 4 studies. Is this possessive on singular noun? It should be possessive. Line 5 not clear from bill wording? **ANS:** Not sure of the impact studied.

**Chairman Dolan:** Will you be doing an amendment for the possessive? **ANS:** I will do an amendment for the possessive and any further information the committee would like.

**Rep. Gallagher:** Further amendment request.

**Natch Greyes, NH Municipal Association** - Opposes the bill. We object to this bill and any amendment. A simple listing of possible studies does not help the applicant. Doesn't narrow down the cost. The applicant can speak with the planning board prior to the process starting. We already 674:4(b) 2BA statute - The planning board can not require duplicate studies.

Rep. Mangipudi: Doesn't prevent, how would this bill impact larger cities? ANS: It would not enhance the application. I don't think this would assist them in a material way. If the initial study is already done, then you can't make them do it again (currently).

Respectfully submitted,

Rep. John MacDonald  
Clerk





# House Remote Testify

## Municipal and County Government Committee Testify List for Bill HB1136 on 2022-02-03

Support: 1 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
McGuire, Dan	Epsom, NH danmcguire@gmail.com	A Member of the Public	Myself	Support	No	No	1/27/2022 8:49 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/31/2022 3:02 PM

**Subject:** In Opposition to HB 1136 requiring planning boards to list the type of studies required to render a decision

**From:** Daniel Richardson <daniel6\_22@comcast.net>

**Date:** 1/31/2022, 1:00 PM

**To:** HouseMunicipalandCountyGovt@leg.state.nh.us

**CC:** Tom Lanzara <tomlanzara@gmail.com>, Josh Yokela <Josh.Yokela@leg.state.nh.us>

Ref: February 3, 2022 Public Hearing

HOUSE MUNICIPAL AND COUNTY GOVERNMENT COMMITTEE -

I write in opposition to HB 1136. This bill:

- 1) adds requirement for Planning Board to list apriori an exhaustive[ostensibly] of studies necessary to render a decision and
- 2) forbids repetitive studies unless site plan changed after a studies completion which would substantially impact the issue studied.

It deigns this new text as "Site Plan Review Regulations; Dilatory Studies". This conveys hostility to studies which protect those in proximity from burden of a new development modifying the character of their existing investment environment.

The bill wrongly implies that a complete, necessary and exhaustive list of studies can be known apriori. New questions, which comes to light via public comment and board examination, frequently brings to light aspects which require more scrutiny in the form of study. Limiting the board to only those studies enumerated at outset binds the board from its duty for thorough examination.

Embedded in the bill's text is caveat "unless site plan changed after a studies completion". This implies acceptability of study development concurrent withsite plan modification, so long as plan is declared completed first. Studies of any utility require long term observation to develop data. The parallelism leaves the question of "What was the baseline configuration of the study?", which can result in the wrong conclusion.

The bill's standard is "substantially impact the issue" for revisiting a study. This is wide open to subjectivity which a professional land use lawyer can easily discount. It presents no substance for the board to make insistence. When a developer returns to the planning board after site plan modification, the board should have the flexibility to respond to public testimony on the change impact by way of having a prior study revisited.

Please find HB 1136 as ITL.

Daniel Richardson, Nashua

## Heather Goley

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**From:** Daniel Richardson <daniel6\_22@comcast.net>  
**Sent:** Monday, January 31, 2022 1:01 PM  
**To:** ~House Municipal and County Govt  
**Cc:** Tom Lanzara; Josh Yokela  
**Subject:** In Opposition to HB 1136 requiring planning boards to list the type of studies required to render a decision

Ref: February 3, 2022 Public Hearing

HOUSE MUNICIPAL AND COUNTY GOVERNMENT COMMITTEE -

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Please find HB 1136 as ITL.

Daniel Richardson, Nashua

HB 1136 - AS INTRODUCED

2022 SESSION

22-2096

08/11

HOUSE BILL            **1136**

AN ACT                requiring planning boards to list the type of studies required to render a decision.

SPONSORS:            Rep. Yokela, Rock. 33

COMMITTEE:          Municipal and County Government

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ANALYSIS

This bill requires planning boards to list the type of studies required to render a decision.

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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 Two*

AN ACT requiring planning boards to list the type of studies required to render a decision.

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

1           1 New Subparagraph; Site Plan Review Regulations; Dilatory Studies. Amend RSA 674:44, III  
2 by inserting after subparagraph (e) the following new subparagraph:

3                   (f) List studies necessary to render a decision and shall not allow repetitive studies  
4 unless there was change to the plan after a studies completion which would substantially impact the  
5 issue studied.

6           2 Effective Date. This act shall take effect 60 days after its passage.