

CONSENT CALENDAR

March 8, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Municipal and County Government
to which was referred HB 1374,**

**AN ACT relative to the membership of local land use
boards. Having considered the same, report the same
with the following resolution: RESOLVED, that it is
INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp

FOR THE COMMITTEE

COMMITTEE REPORT

| | |
|-------------------|---|
| Committee: | Municipal and County Government |
| Bill Number: | HB 1374 |
| Title: | relative to the membership of local land use boards. |
| Date: | March 8, 2022 |
| Consent Calendar: | CONSENT |
| Recommendation: | INEXPEDIENT TO LEGISLATE |

STATEMENT OF INTENT

This bill changes the requirement that all members of a planning board shall be residents of the municipality. The bill is one that is submitted perennially hoping to resolve a local issue with a state law. Rather than simply require all board members be residents of the municipality, it changes the requirement to all voting members must be residents of the municipality. If that is the goal then the municipality should change it at the local level.

Vote 16-0.

Rep. Richard Tripp
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Municipal and County Government

HB 1374, relative to the membership of local land use boards. **INEXPEDIENT TO LEGISLATE.**

Rep. Richard Tripp for Municipal and County Government. This bill changes the requirement that all members of a planning board shall be residents of the municipality. The bill is one that is submitted perennially hoping to resolve a local issue with a state law. Rather than simply require all board members be residents of the municipality, it changes the requirement to all voting members must be residents of the municipality. If that is the goal then the municipality should change it at the local level. **Vote 16-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1374

BILL TITLE: relative to the membership of local land use boards.

DATE: February 28, 2022

LOB ROOM: 301 - 303

MOTIONS: **INEXPEDIENT TO LEGISLATE**

Moved by Rep. Tripp

Seconded by Rep. Guthrie

Vote: 16-0

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 1374

BILL TITLE: relative to the membership of local land use boards.

DATE: 2/28/22

LOB ROOM: 301-303

MOTION: (Please check one box)

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

Moved by Rep. Tripp Secoded by Rep. Guthrie Vote: 16-0

MOTION: (Please check one box)

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

Moved by Rep. _____ Secoded by Rep. _____ Vote: _____

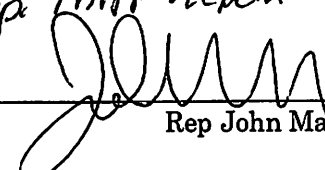
MOTION: (Please check one box)

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

Moved by Rep. _____ Secoded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

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

Respectfully submitted: Rep Tripp absent

Rep John MacDonald, Clerk



2022 SESSION

Municipal and County Government

Bill #: 1374 Motion: ITL AM #: _____ Exec Session Date: 2/28/22

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

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1374

BILL TITLE: relative to the membership of local land use boards.

DATE: January 31, 2022

LOB ROOM: 301 - 303

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

Time Adjourned: 9:25 a.m.

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

Bill Sponsors:
Rep. Somssich

TESTIMONY

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

Rep. Peter Somssich - Prime sponsor of the bill. Simple bill - 2020 A planning board decision gave a green light to new construction. Two members of board were not residents of municipality. Appealed to Supreme Court. Ex-officio members could vote even if they are not residents of the municipality. Prevents ex-officio members from voting if they are not residents. Building inspection are exempt.

Rep. Gallagher: What happened with SB 392? Seems similar. ANS: This bill died in the house. No vote was taken.

Rep. Tripp: How many members on the planning board? ANS: Not sure, varies.

Rep. Guthrie: This would not change the way of appointment of members? ANS: That is correct. In our town, they are appointed.

Rep. Mangipudi: It applies to all different boards. It could be any board? ANS: It deals with planning and zoning boards. Only exemption is building inspections.

Rep. Lascelles: Why exclude building inspections? ANS: The municipal association was concerned and believed they should be excluded.

Rep. Stavis: Briefly restate the case. ANS: 2020 Planning Board decision in Portsmouth that went to court.

Rep. Tripp: Building inspector part of the board. Why would a town or city appoint a non resident to a board? ANS I believe they should be members for voting purposes. I believe the problem is statewide.

Rep. Vann: Reviewed what the bill states? ANS: 1, 2, 4, 5 the building inspectors exempt.

Rep. Piemonte: Claiming building inspectors should have or be able to vote? ANS: Some municipalities allow them to vote.

Rep. Vann: Building inspectors if they are appointed, they can vote? ANS: If they are residents, they should vote.

Natch Greyes, NH Municipal Association - No position on this bill. Simple rewrites the requirements of membership. The ex-officio-senues as a representative of another board (selectman.) Talking about people making decisions.

Respectfully submitted,

Rep. John MacDonal
Clerk

House Remote Testify

Municipal and County Government Committee Testify List for Bill HB1374 on 2022-01-31

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> |
|--------------------|---|------------------------|---------------------------------------|-----------------|-------------------|--------------------|--------------------|
| ploszaj, tom | Center Harbor, NH tom.ploszaj@gmail.com | An Elected Official | Myself | Oppose | No | No | 1/21/2022 5:24 PM |
| DeRosa, Tom | Bedford, NH tom@bfreshconsulting.com | A Lobbyist | New Hampshire Planners Association | Oppose | No | No | 1/23/2022 3:55 PM |
| Weston, Joyce | Plymouth, NH jweston14@roadrunner.com | An Elected Official | Myself | Support | No | No | 1/29/2022 7:29 AM |
| Richardson, Daniel | Nashua, NH daniel6_22@comcast.net | A Member of the Public | Myself | Support | No | No | 1/29/2022 12:05 PM |
| Robinson, Steven | Northwood, NH Nikkiandme@yahoo.com | A Member of the Public | Myself | Support | No | No | 1/29/2022 5:34 PM |
| Robinson, Karen | Northwood, NH Bdabng12@yahoo.com | A Member of the Public | Myself | Support | No | No | 1/29/2022 5:37 PM |
| Hunnewell, Richard | Holderness, NH hunnewell.richard@gmail.com | A Member of the Public | Myself | Support | No | No | 1/30/2022 12:00 PM |
| Hunnewell, Anne | Holderness, NH ahunne@roadrunner.com | A Member of the Public | Myself | Support | No | No | 1/30/2022 12:01 PM |
| Flammer, Yadin | Cornish, NH yadinflammer@gmail.com | A Member of the Public | Myself | Support | No | No | 1/30/2022 1:10 PM |
| Doherty, David | Pembroke, NH ddoherty0845@gmail.com | A Member of the Public | Myself | Support | No | No | 1/30/2022 1:19 PM |
| Campbell, Karolyn | Epsom, NH kkcampbell43@yahoo.com | A Member of the Public | Myself | Support | No | No | 1/30/2022 1:57 PM |
| Dolkart, Vivian | Grantham, NH viviandolkart@comcast.net | A Member of the Public | Myself | Support | No | No | 1/30/2022 2:28 PM |
| Dontonville, Anne | Enfield, NH Ardontonville@gmail.com | A Member of the Public | Myself | Support | No | No | 1/30/2022 2:46 PM |

| | | | | | | | |
|----------------------|--|------------------------|---------------------|---------|----|----|--------------------|
| Dontonville, Roger | Enfield, NH rdontonville@gmail.com | An Elected Official | Myself | Support | No | No | 1/30/2022 3:20 PM |
| Tucker, Katherine | Wilmot, NH katherine.s.tucker@valley.net | A Member of the Public | Myself | Support | No | No | 1/30/2022 3:34 PM |
| See, Alvin | Loudon, NH absee@4liberty.net | A Member of the Public | Myself | Support | No | No | 1/30/2022 4:15 PM |
| Cranage, Amy | Grantham, NH cranhan@comcast.net | A Member of the Public | Myself | Support | No | No | 1/30/2022 4:24 PM |
| Hegfield, Laura | Amherst, NH laurahegfield@comcast.net | A Member of the Public | Myself | Support | No | No | 1/30/2022 4:29 PM |
| Rourke, Brian | Nashua, NH Brouke85@gmail.com | A Member of the Public | Myself | Oppose | No | No | 1/30/2022 4:37 PM |
| Robinson, Ellis | Grantham, NH ellismmrobinson@gmail.com | A Member of the Public | Myself | Support | No | No | 1/30/2022 7:58 PM |
| Mackey, Phyllis | Newfields, NH phylmackey@hotmail.com | A Member of the Public | Myself | Support | No | No | 1/30/2022 8:21 PM |
| Glass, Jonathan | Cornish, NH jglass1063@gmail.com | A Member of the Public | Myself | Support | No | No | 1/30/2022 10:17 PM |
| Crandell-Glass, Jane | Cornish, NH bostonjane@me.com | A Member of the Public | Myself | Support | No | No | 1/30/2022 10:27 PM |
| Parshall, Lucius | Marlborough, NH lucius.parshall@leg.state.nh.us | An Elected Official | Myself | Support | No | No | 1/30/2022 10:44 PM |
| Boyle, Mary | Cornish, NH mary.n.boyle@gmail.com | A Member of the Public | Myself | Support | No | No | 1/30/2022 11:00 PM |
| Grassie, Chuck | Rochester, NH chuck.grassie@leg.state.nh.us | An Elected Official | Strafford 11 | Support | No | No | 1/30/2022 11:38 PM |
| Rich, Cecilia | Somersworth, NH cecilia.rich@leg.state.nh.us | An Elected Official | Myself | Support | No | No | 1/31/2022 6:29 AM |
| HALLOCK, LINDA | Cornish, NH lindash@mail.com | A Member of the Public | Myself | Support | No | No | 1/31/2022 8:20 AM |
| Ford Burley, Nicole | Lebanon, NH nicole.ford.burley@gmail.com | A Member of the Public | Myself | Support | No | No | 1/31/2022 8:39 AM |
| Stevens, Deb | Nashua, NH debstevens4ward7@gmail.com | An Elected Official | My 10K constituents | Support | No | No | 1/31/2022 8:47 AM |
| Campbell, Karen | Epsom, NH klynncampbell50@gmail.com | A Member of the Public | Myself | Support | No | No | 1/31/2022 9:08 AM |

| | | | | | | | |
|-------------------|---|------------------------|--------|---------|----|----|--------------------|
| DePuy, Charles | Lebanon, NH c.depuy@yahoo.com | A Member of the Public | Myself | Support | No | No | 1/31/2022 9:24 AM |
| Fraysse, Michael | Epsom, NH mikefraysse@gmail.com | A Member of the Public | Myself | Support | No | No | 1/31/2022 9:52 AM |
| Frost, Sherry | Dover, NH sherry.frost@leg.state.nh.us | An Elected Official | Myself | Support | No | No | 1/31/2022 9:59 AM |
| Hamblet, Joan | Portsmouth, NH jhamblet4@gmail.com | A Member of the Public | Myself | Support | No | No | 1/31/2022 10:19 AM |
| Lewandowski, Jean | Nashua, NH jlewando@hotmail.com | A Member of the Public | Myself | Support | No | No | 1/31/2022 11:03 AM |
| bory, lee | nashua, NH leebory@juno.com | A Member of the Public | Myself | Support | No | No | 1/31/2022 11:04 AM |
| Pimentel, Rod | Henniker, NH Rod.pimentel@leg.state.nh.us | An Elected Official | Myself | Support | No | No | 1/31/2022 11:19 AM |
| McTigue, Deborah | Enfield, NH mctigue44@comcast.net | A Member of the Public | Myself | Support | No | No | 1/31/2022 11:32 AM |
| Oxenham, Lee | Plainfield, NH leeoxenham@comcast.net | An Elected Official | Myself | Support | No | No | 1/31/2022 11:47 AM |
| perez, maria | milford, NH mariaeli63@gmail.com | An Elected Official | Myself | Support | No | No | 1/31/2022 12:08 PM |
| Bouchard, Donald | MANCHESTER, NH donaldjbouchard@gmail.com | An Elected Official | Myself | Support | No | No | 1/31/2022 12:30 PM |
| Hamer, Heidi | Manchester, NH heidi.hamer@leg.state.nh.us | An Elected Official | Myself | Support | No | No | 1/31/2022 2:10 PM |
| Almy, Susan | Lebanon, NH Susan.almy@comcast.net | An Elected Official | Myself | Support | No | No | 1/31/2022 3:44 PM |
| Duncan, Stan | Newton, NH standuncan@post.harvard.edu | A Member of the Public | Myself | Support | No | No | 1/31/2022 5:10 PM |
| Bowles, Margaret | Lyme, NH mcb2885@gmail.com | A Member of the Public | Myself | Support | No | No | 1/31/2022 9:38 PM |

HB 1374 - AS INTRODUCED

2022 SESSION

22-2849

10/11

HOUSE BILL **1374**

AN ACT relative to the membership of local land use boards.

SPONSORS: Rep. Somssich, Rock. 27

COMMITTEE: Municipal and County Government

ANALYSIS

This bill requires that all voting members of local land use boards shall be residents of the municipalities in which they serve.

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 Twenty Two

AN ACT relative to the membership of local land use boards.

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

1 1 Establishment of Local Land Use Boards; Membership. Amend RSA 673:1, I to read as
2 follows:

3 I. Any local legislative body may establish a planning board~~[, the members of which shall be~~
4 ~~residents of the municipality]~~.

5 2 New Paragraph; Establishment of Local Land Use Boards; Membership. Amend RSA 673:1 by
6 inserting after paragraph V the following new paragraph:

7 VI. Voting members of any local land use board established pursuant to paragraphs I, II, or
8 IV, and of a building code board of appeals established pursuant to paragraph V, including ex officio
9 members, shall be residents of the municipality in which they serve.

10 3 Effective Date. This act shall take effect 60 days after its passage.