

## SUMMARY OF CHANGES

The following table summarizes the substantial changes that have been made in this 2024 version of the *Planning Board in New Hampshire: A Handbook for Local Officials* since the 2023 Handbook update. ~~Strikethrough~~ elements have been deleted and underscored elements have been added.

CHAPTER	IMPACTED PAGE #S	DESCRIPTION OF CHANGE
Global Changes	All	<p><b>Year references on the cover page and in the footer. Updated links throughout.</b></p>
Chapter I <i>Organization</i>	I-7	<p><b>Legislative related addition of information under “ACCESS TO PUBLIC RECORDS AND MEETINGS” last two paragraphs:</b></p> <p>All governmental records should be kept at the board’s regular place of business. Requests for copies of governmental records should be promptly complied with. <u>RSA 91-A:4, IV was amended in 2024 to require that if <del>if</del> prompt compliance is not possible, then the records should be made available within 5 business days, or the individual should be told the reason for denial of the request, <del>or</del> provided with a statement as to when the requested record can be made available <u>that includes an itemized estimate of the cost of making the record available if a charge would be incurred under RSA 91-A:4,VIII, or provide a reasonable modification to the scope of the request if doing so would enable the board to produce records “more efficiently and affordably.” In 2024, Paragraph VIII was also added to RSA 91-A-4 to allow a <del>—</del> A person requesting governmental records <del>may to</del> be charged <del>administrative costs</del> <u>a reasonable per electronic communication charge in addition to the, but those costs may not exceed actual costs of complying with the request, if the request exceeds 250 electronic communications.</u></u></u></p> <p><u>For more information about changes enacted in 2024 to RSA 91-A, see the New Hampshire Municipal Association, Changes to the Right-to-Know Law in 2024: A Guide for Municipalities: <a href="https://www.nhmunicipal.org/sites/default/files/uploads/Guidance_Documents/nhma_rtk_advisory_2024.pdf">https://www.nhmunicipal.org/sites/default/files/uploads/Guidance_Documents/nhma_rtk_advisory_2024.pdf</a>.</u></p>
	I-11	<p><b>Legislative related addition of information under “DEVELOPMENT OF REGIONAL IMPACT” 2<sup>nd</sup> to last two paragraph and box:</b></p> <p><u>In 2024, paragraph III was added to RSA 36:56, clarifying that proposed solid waste landfills are to be considered a development of regional impact for the purpose of applications coming before the local land use board. If a solid waste landfill is proposed, any municipality which regulates solid waste landfills in its zoning ordinance, site plan review regulations, or subdivision regulations and requires application to the planning board for local approval of the landfill would be required to provide notice that such application is a development of regional impact to all municipalities located within New Hampshire that are: (a) within the watershed defined by the 8-digit Hydrologic Units from the National Hydrography Dataset 2011 where such landfill is located, and (b) if outside the watershed, located within 10 miles of the boundaries of the proposed landfill.</u></p> <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> <p>Criteria for regional impact (<u>RSA 36:55</u>) include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>– The relative size and number of dwelling units involved (if a subdivision) over a period of time or the phasing of a commercial or residential development;</li> <li>– The proximity of the development to a municipal boundary;</li> <li>– Impact upon transportation networks;</li> <li>– Anticipated emissions, such as light, noise, smoke, and odors;</li> <li>– Proximity to regional aquifers or surface waters;</li> <li>– Shared facilities, <u>such as schools and solid waste disposal facilities including solid waste landfills.</u></li> </ul> </div>

CHAPTER	IMPACTED PAGE #S	DESCRIPTION OF CHANGE
<p>Chapter II</p> <p><i>Non-Regulatory Functions</i></p>	<p>II-4</p>	<p><b>Legislative related addition of a Waste Reduction section under the “CHARACTERISTICS AND ELEMENTS OF A MASTER PLAN” last paragraph:</b></p> <p><u>Waste Reduction. A waste reduction section outlining a municipality's solid waste reduction plan, including ways to reduce solid waste disposal, such as increasing reuse, recycling, composting, and/or hazardous and electronic waste management. Such efforts may include education and outreach, a needs analysis, grant funding, community polling, a town waste committee, and regional cooperation.</u></p>
<p>Chapter III</p> <p><i>Regulatory Functions</i></p>	<p>III-3</p>	<p><b>Legislative related deletion and addition of information under the section <u>Step 4. Prepare Subdivision and Site Plan Review Regulations/Preparing Subdivision Regulations (RSA 674:36)</u> section under “STEPS TO ALLOW THE REGULATION OF SUBDIVISIONS AND SITE PLAN REVIEW” 2<sup>nd</sup> to last paragraph and deletion of the last paragraph:</b></p> <p>RSA 674:36, VI prohibits municipalities from enacting subdivision regulations that require the installation of fire suppression sprinkler systems in one- or two-family residences. However, <del>that statute was amended in 2013 to recognize that applicants may voluntarily offer to install fire suppression sprinkler systems in one- or two-bedroom residences and, if the offer is accepted by the planning board, installation of such systems shall be required and shall be enforceable as a condition of the approval. The applicant or the applicant’s successor in interest may substitute another means of fire protection in lieu of the approved fire suppression sprinkler system, provided that the planning board approves the substitution</del> <u>subdivision regulations can require a cistern, dry hydrant, fire pond, or other credible water source other than a fire suppression sprinkler system. RSA 674:51, V was amended in 2024 to also prohibit municipalities from requiring the installation of fire suppression sprinkler systems in existing buildings that contain, or will contain, no more than 4 dwelling units, unless fire sprinklers are existing or are required by a nonresidential occupancy.</u></p> <p><del>That said, it is worth noting that it appears that a local fire chief may require sprinklers for one and two family structures if the specific site conditions make access difficult. See Atkinson v. Malborn Realty Trust, 164 N.H. 62 (2012) (finding in part that the local fire chief has the authority, It is important to note that this section of the statutes is permissive. If the planning board wishes to address the issues, the subdivision regulations must specifically include each item listed. through the National Fire Protection Association regulations to require residential sprinklers when unique site or building conditions warrant them).</del></p>
	<p>III-8</p>	<p><b>Legislative related addition of information under Enactment and Amendment of the Zoning Ordinance section under “ZONING ORDINANCE” last two paragraphs:</b></p> <p><u>RSA 674:18-a, added in 2024, provides a local option for local governments with zoning authority vested in their legislative body (i.e. non-charter towns, village districts with independent zoning authority, and counties in which there are located unincorporated places) to vote to allow their governing bodies to adopt amendments to the zoning ordinance and zoning map. Jurisdictions who seek to adopt this local option should “place the question on the warrant of a special or annual meeting, by the governing body or by petition pursuant to RSA 39:3, or otherwise by acting upon the question of adoption in accordance with its normal procedures for passage of ordinances.”</u></p> <p><u>If the local legislative body votes to delegate this authority, a majority vote of the governing body during any time of the year, after at least one full public hearing pursuant to RSA 675:7, would be sufficient to amend the zoning ordinance and map.</u></p>

CHAPTER	IMPACTED PAGE #S	DESCRIPTION OF CHANGE
<p>Chapter III</p> <p><i>Regulatory Functions</i></p>	<p>III-8</p>	<p><b>Legislative-related addition under “ZONING AMENDMENT PROCEDURES” section under 1<sup>st</sup> paragraph:</b></p> <p>The planning board is responsible for preparing and, in towns, holding public hearings on proposals to adopt or revise the zoning ordinance. Also in towns, a zoning ordinance or revision of the ordinance must then be adopted by ballot vote at town meeting <u>unless the legislative body of the town has voted to delegate authority to amend the zoning ordinance to the governing body under RSA 674:18-a.</u> In cities and town council towns where the municipal charter determines how a zoning ordinance is to be adopted or revised, a public hearing is still required for all zoning ordinances and amendments (RSA 675:2-3).</p>
	<p>III-15</p>	<p><b>Legislative-related addition under “STATE MINIMUM DRIVEWAY STANDARDS” 1<sup>st</sup> paragraph and RSA correction in the 2<sup>nd</sup> and 4<sup>th</sup> paragraphs:</b></p> <p>RSA 236:13 contains a few standards that apply regardless of what local regulations may require, or whether there are local driveway regulations. This statute applies to local as well as state highways. <u>In 2024, RSA 236:13, IV-a was added to require that NH DOT issue driveway permits within 60 days of receiving an application for any existing or proposed residential use of land, “including multifamily development that is not classified as a major driveway under the department’s policy relating to driveways and access to the state highway system.”</u> RSA 236:13, V was also amended <u>to require that the planning board or its delegate act on driveway permits issued by the NH DOT within 65 days of receipt of notification that NH DOT issued the driveway permit, if any action is needed.</u></p> <p>In 2023 RSA 153:5, the fire code statute, was amended. RSA 153:<del>35</del><u>VI</u> states...</p> <p>RSA 153:<del>35</del> continues...</p>
<p>Chapter IV</p> <p><i>Innovative Land Use Controls (RSA 674:21)</i></p>	<p>IV-3, 5</p>	<p><b>Relocation of “ACCESSORY DWELLING UNIT STANDARDS” from page IV-3 to IV-5 and a small in text correction.</b></p> <p>Accessory Dwelling Units (ADU) can address a number of housing needs within a community. ADUs are one way that a municipality can provide for more affordable and diverse housing. ADUs can provide flexibility in household arrangements to accommodate family members or nonrelated people in a permitted single-family dwelling, while maintaining aesthetics and residential use compatible with homes in a neighborhood. On June 1, 2017, <del>a new ADU state</del> <u>statewide ADU</u> laws took effect requiring all municipalities to allow internal or attached ADUs in all zoning districts where single-family dwellings are permitted. The ADU requirements can be found in RSA 674:71 through RSA 674:73. The law gives municipalities several options in how they regulate ADUs, so it is strongly recommended that planning boards amend their municipality’s current ADU regulations. If ADUs are not currently addressed in the zoning ordinance, adoption of a new ADU process is recommended.</p>
	<p>IV-7</p>	<p><b>Addition of Manufactured Housing section under “OTHER PLANNING AND DEVELOPMENT TECHNIQUES”</b></p> <p><u>RSA 674:32 prohibits all municipalities from excluding manufactured housing completely from the municipality by regulation, zoning ordinance or by any other police power. RSA 674:32 also requires all municipalities that have adopted any land use controls to allow manufactured housing in most, but not necessarily all, land areas and lots in districts zoned to permit residential uses within the municipality; either on individual lots or in manufacturing housing parks and subdivisions, or in all 3 types of locations. In 2024, RSA 674:32 was amended to make it easier to understand and also added a new requirement that all municipalities “allow reasonable and realistic opportunities for the expansion of manufactured housing parks existing as of July 1, 2024” and for existing manufactured housing parks to not be subjected to standards stricter than NFPA 501A, "Standard for Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities".</u></p>

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<p style="text-align: center;">Chapter V</p> <p><i>Application, Submission, and Review Procedures</i></p>	V-3	<p><b>RSA correction under “STEP 2: DESIGN REVIEW (RSA 676:4, II(B), (C))” last paragraph:</b></p> <p>Design review gives the applicant and the planning board an opportunity to discuss a proposal in much greater detail than is allowed in the conceptual consultation phase. The objective of design review is to provide the board with an opportunity to understand what is being proposed, and for the applicant to understand the concerns of board members, abutters, and the general public. Design review is intended to assure that the essential characteristics of the site and specific requirements of local regulations are thoroughly reviewed and understood before the final design is prepared. It also gives the planning board the opportunity to determine whether or not the development has the potential for regional impact under RSA 36:5456.</p>
	V-7	<p><b>Legislative-related addition under section List of Abutters under “COMPLETED APPLICATION” last paragraph and a box:</b></p> <p><u>In 2024, the phrase “directly across the street or stream” in the definition of “abutter” in RSA 672:3 was defined for purposes of receiving testimony as well as notification. This change is intended to overturn the Supreme Court decision in <i>Seabrook Onestop, Inc. v. Town of Seabrook</i>, No. 2020-0251 (N.H. Sep. 16, 2021) which determined that under the then-existing definition of “abutter,” any property that is “diagonally across the street” was not an “abutter.” The new definition includes adjacent properties as “determined by lines drawn perpendicular from all pairs of corner boundaries along the street or stream of the applicant to pairs of projected points on any property boundary across the street or stream that intersect these perpendicular lines. This includes any property that lies along the street or stream between each pair of projected points, or is within 50 feet of any projected point.”</u></p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p><b><u>For additional guidance on how to determine who is an abutter or not under the revised definition of “abutter” in RSA 672:3 enacted in 2024, refer to NHMA Supplementary Guidance on HB 1359.</u></b></p> </div>
	V-21	<p><b>Legislative-related revision and addition under “APPEALS (RSA 677:15)” 1<sup>st</sup> paragraph:</b></p> <p>An appeal of a planning board decision concerning a site plan or a subdivision is taken to superior court and can be filed by any persons aggrieved by the decision. One exception to this procedure is found in RSA 676:5, III and would occur if a planning board makes any decision or determination an application based solely, or in part, on the terms of the zoning ordinance. In that case, the decision is considered an administrative decision based on an interpretation of the zoning ordinance, which is appealed first to the zoning board of adjustment. <u>In 2024, RSA 676:5, I was amended to narrow who may appeal to the zoning board of adjustment concerning any matter within the board’s powers pursuant to RSA 674:33 and 676:5 to, “the applicant, an abutter as defined by RSA 672:3, or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer.”</u></p>
	V-29	<p><b>Legislative-related addition under the Scale section under “ZONING ORDINANCE”:</b></p> <p>Depending on the type of subdivision and the average number of bedrooms per residential dwelling, 100 homes may represent an addition of anywhere from 25 to 200 school-age children. The planning board should assess whether existing schools can accommodate the anticipated increase or whether expanded transportation services or additional classrooms will be necessary. A subdivision of 100 dwelling units may generate 800 automobile trips per day. The board should determine whether existing roads and parking facilities are adequate to handle the increased load, <u>but as of the beginning of 2025, under no circumstances can a planning board require more than 1.5 residential parking spaces per unit for studio and one-bedroom units under 1,000 square feet that meet the requirements for workforce</u></p>

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<p>Chapter V</p> <p><i>Application, Submission, and Review Procedures</i></p>	V-29	<p><u>housing under RSA 674:58, IV or for units in multi-family developments of 10 units or more.</u> One hundred new dwelling units may draw 40,000-50,000 gallons of water per day. The planning board should determine the effect of this increased use on the municipal water supply, private water supplies or groundwater for individual wells.</p>
	V-39	<p><b>Addition of the “Parking” section to LAYOUT OF STREETS, UTILITIES, AND LOTS</b></p> <p><b>Parking</b></p> <p><u>The planning board should also examine the number of parking spaces proposed and the dimensions and location of the parking spaces in proximity to the proposed use shown on the parking plan to confirm that they meet or exceed the on-site parking requirements in the site plan, subdivision regulations, and/or zoning ordinance. However, RSA 674:16, VII states that as of the beginning of 2025, under no circumstances can a planning board require more than 1.5 residential parking spaces per unit for studio and one-bedroom units under 1,000 square feet that meet the requirements for workforce housing under RSA 674:58, IV or for units in multi-family developments of 10 units or more.</u></p> <p><u>RSA 674:16-a, adopted in 2024, also requires a planning board to consider an “alternative parking solution” as defined in RSA 674:16-a,I(c), put forward by the applicant to meet the parking demand created by a proposed residential use if the applicant is unable to meet the on-site parking requirements prescribed by a zoning ordinance, site plan review regulation, subdivision regulation, or innovative land use control. As defined in RSA 674:16-a, alternative parking solutions shall include, but not be limited too: (1) an agreement for the provision of off-site parking spaces with another owner of real property during hours which the off-site parking spaces are not in use within a quarter of a mile of the proposed residential use, (2) agreement with a rideshare company to provide transportation to the occupants of the proposed residential use, (3) availability of public transportation including fixed-route bus service within a quarter of a mile of the proposed residential use, or (4) location in a district officially designated in a municipality's master plan, or by zoning ordinance, as a downtown, town center, central business district, or village center in which there is adequate walkability infrastructure.</u></p> <p><u>During the review process of the application, if the planning board doesn't agree with the applicant's determination that the alternative parking solution will meet the parking demand created by the proposed residential use, the planning board can request third-party review under RSA 676:4-b, I. The planning board shall not be required to approve the alternative parking solution if the results of the third-party review conclude that the proposed alternative parking solution will not meet the parking demand created by the proposed residential use. However, if the results of the third-party review confirm that the applicant’s alternative parking solution meets the anticipated parking demand, the planning board shall have the authority and be required to approve the alternative parking solution, even if the alternative parking solution is inconsistent with the parking requirements of their zoning ordinance.</u></p>
<p>APPENDIX E:</p> <p><i>Criteria for Determining Regional Impact</i></p>	E-1	<p><b>Legislative related addition to the “CRITERIA FOR DETERMINING REGIONAL IMPACT” section:</b></p> <p><u>1.Residential Development: Proposals for lots or dwellings that would increase the existing housing stock of the town by more than 25% or specify the number of dwelling units within a certain time frame. i.e. 25 houses within 5 years.</u></p> <p><u>2.Commercial Development: Proposals for new or expanded space of 50,000 square feet or greater.</u></p> <p><u>3.Industrial Development: Proposals for new or expanded space of 100,000 square feet or greater.</u></p> <p><u>4. Shared facilities such as schools and solid waste disposal facilities including a solid waste landfill requiring a department of environmental service permit under the department of environmental services administrative rules contained in Env-Sw 800.5.</u></p>

