



New Hampshire Department of  
**BUSINESS AND  
ECONOMIC AFFAIRS**

# **2025 Changes to Planning and Zoning Statutes**

A Guide for Municipalities

Office of Planning and Development  
October 2025

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*During the 2025 session, the legislature enacted legislation that affects local planning and zoning processes and regulations. This guide serves as a summary of the effect of those changes.*

## HB 2, Relative to State Fees, Funds, Revenues, and Expenditures (*Partners in Housing*).

Section 209 – Section 213 of HB 2 creates a new process for municipalities to designate and expedite permitting of municipal-owned land for residential purposes.

### **Steps Required for Designation and Expedited Review of Applications for Residential Development on Municipally Owned Land**

1. Governing body makes determination of municipally owned real property that is “in their judgement appropriate for development for residential use” (not including tax deeded properties) and sends this list to the Planning Board ([RSA 41:11-a,IV](#)).
2. Planning Board votes to designate any property recommended to it as appropriate for development as a residential use by the select board pursuant to RSA 41:11-a,IV, as appropriate for development for residential use ([RSA 674:1,VII](#)).
3. Planning Board forwards a description of the property(ies) designated for residential use to the Office of Planning and Development via e-mail to [planning@livefree.nh.gov](mailto:planning@livefree.nh.gov) ([RSA 674:1,VII](#)).
4. Governing body votes to authorize that properties qualify for expedited review and approval pursuant to [RSA 676:4, III](#) (minor subdivision expedited review process)  
Note: If the local legislative body has already authorized minor site plan review (technical review committee), pursuant to [RSA 674:43, III](#) then no additional vote is necessary for properties to qualify for expedited review and approval pursuant to [RSA 676:4, III](#).
5. Notice of application for development of municipally owned land into residential use is provided to all abutters, holders of conservation, preservation, or agricultural preservation restrictions, and the public in accordance with [RSA 676:4,I\(d\)](#).
6. Planning Board accepts and approves the application at one or meetings in accordance with [RSA 676:4,III](#). A public hearing is only required if requested by the applicant, abutters, or holders of conservation, preservation, or agricultural preservation restrictions any time prior to approval or disapproval or if the Planning Board makes a determination that a public hearing should be held on the application.

## **Pattern Zoning**

- [RSA 674:43, VIII](#) defines pattern zoning as permit-ready designs with appropriate zoning and regulations to speed the process of building high quality infill housing that is compatible with existing homes in the neighborhood.
- A local legislative body may vote to adopt pattern zoning regulations to accelerate the construction of infill housing in neighborhoods. To meet the definition of infill housing, projects must be new residential development constructed on vacant lots interspersed among lots with existing, non-vacant development.

**Effective Date:** July 1, 2025

## **HB 92, Requiring Recusal of Members of Zoning Boards of Adjustment and Planning Boards in Certain Circumstances.**

HB 92 adds paragraph V to [RSA 673:3](#) requiring individuals that serve on both the Planning Board and Zoning Board of Adjustment (ZBA) to *recuse themselves from voting on matters in their capacity as a ZBA member, previously decided by or pending before the Planning Board in a quasi-judicial capacity in which the member participated as a voting member.*

If the matter, currently before the ZBA, didn't previously come before the Planning Board or is currently pending before the Planning Board, then an individual is able to vote on the matter in their capacity as a ZBA member.

Individuals may choose (but isn't required) to recuse themselves from voting on an application as a Planning Board member in order to preserve their ability to vote on the matter when it comes before the ZBA.

While the term "matter" is not defined, based on the legislative intent it includes all applications which require Planning Board approval and all appeals, or other applications for relief from the ZBA.

**Effective Date:** August 22, 2025

## HB 168, Relative to Including Municipal Public Works Facilities as Eligible Capital Facilities for the Assessment of Impact Fees.

HB 168 amends [RSA 674:21, V](#) to include “*public works facilities*” in the list of eligible capital facilities that a municipality may impose impact fees for to offset the cost of construction or improvement of.

Impacts fees may be only assessed and used for the “*construction or improvement of capital facilities owned or operated by, including and limited*” to those listed in [RSA 674:21, V](#).

Impact fees are an optional tool for municipalities to impose on new development to reflect the effect of development upon municipal facilities at the time of the issuance of the building permit ([RSA 674:21,V](#)).

[RSA 674:21,V\(a\)](#) requires that an impact fee must be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development. There must be some nexus between the impact of the new development and need to upgrade an existing facility or infrastructure.

For additional details on impact fees including the pre-requisites required for a local legislative body to adopt an impact fee ordinance, requirements for what the Planning Board must take into consideration when establishing an impact fee schedule, and the timing of when impact fees should be imposed, see [RSA 674:21,V](#).

**Effective Date:** August 1, 2025

## HB 265, Requiring that a Public Body's Meeting Minutes Include Start and End Times of the Meeting and the Printed Name of the Recording Secretary.

HB 265 amends [RSA 91-A:2, II](#), to require that minutes of all meetings of a public body, including nonpublic sessions, *shall include the start time and end time of the meeting, and name of the person who produced the minutes*, in addition to *the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions. The names of the members who made or seconded each motion shall also be recorded in the minutes.*

If Artificial Intelligence (AI) is used to assist with taking meeting minutes, someone should still be reviewing the transcribed minutes for accuracy before they are finalized.

Whoever is primarily responsible for reviewing the minutes taken with the assistance of AI should record their name as the person who produced the minutes, with a note that “the minutes were produced with the assistance of AI.”

**Effective Date:** August 22, 2025

## HB 272, Exempting Certain Agricultural Practices from Municipal Noise Regulation.

Under [2023 HB 252](#), any quiet hour ordinance or bylaw is prohibited from regulating noises from farms, agriculture, and farming defined in [RSA 21:34-a](#).

Since passage of the 2023 law, some communities tried to regulate noise from farms, agriculture, and farming through “disturbance of the peace” laws.

HB 272 amends [RSA 31:39,I\(n\)](#) and [RSA 47:17, XX](#) to prohibit enforcement of *any ordinance or bylaw that attempts to regulate noises from activities related to farms, agriculture, and farming defined in [RSA 21:34-a](#)*.

Noise from agritourism activities defined in [RSA 21:34-a.II\(b\)\(5\)](#) can continue to be regulated.

**Effective Date:** August 1, 2025

## HB 296, Relative to Issuing Building Permits Along Private Roads.

### Issuance of Building Permits on Private Roads

- HB 296 amends [RSA 674:41, I\(d\)\(1\)](#) by providing local governing bodies with the option to approve the issuance of a building permit on a private road or a portion thereof after *establishing that the private road identifies and complies with policy adopted by the governing body of the municipality* instead of after review and comment by the Planning Board.
- A local governing body isn't required to adopt a private road policy and may continue to require the Planning Board to review and comment on applications for building permits on private roads.
- If a local governing body wishes to adopt a policy for issuance of building permits on private roads, the policy should at a minimum clearly define what constitutes a private road (as this term isn't defined in state statute) and detail the minimum conditions the private road must meet (i.e. drainage, adequate space for emergency vehicle access, grade, etc.).

### Timeline for Appeals to the Zoning Board of Adjustment

- HB 296 amends [RSA 676:5, I](#) to require that any *appeals to the Zoning Board of Adjustment concerning any matter within the board's powers as set forth in [RSA 674:33](#) by the applicant, an abutter as defined by [RSA 672:3](#), or by a municipal official or body affected by the decision*, must be made within *30 days* of the issuance of the decision being appealed instead of by "a reasonable time" as defined by the Zoning Board of Adjustment's Rules of Procedure.
- This change is intended to provide clarity and consistency in the appeals process, ensuring that applicants and affected parties have a defined timeframe to challenge decisions made by administrative officers; and is consistent with the 30-day appeals period for Planning Board decisions, which can be appealed to the Superior Court under [RSA 677:15, I](#).

**Effective Date:** September 13, 2025.

## HB 413, Relative to Subdivision Regulations on the Completion of Improvements and the Regulation of Building Permits.

### Time-Period for Exemption from Local Land Use Regulation Changes After Date of Approval

- HB 413 amends [674:39, I](#) by extending the time to achieve “active and substantial development” from 2 years to 3 years and extending the time to achieve “substantial completion” from 5 years to 7 years.
- HB 413 adds new paragraph V to [674:39](#), which states, “*The 7-year period and 3-year exemption in this section shall apply to any approval granted on or after July 1, 2023.*”
- HB 413 has the effect of providing one additional year for a development to achieve active and substantial development until July 1, 2026, which was approved at the earliest date, July 1, 2023 and would have otherwise lost its previous 5-year exemption from future zoning, subdivision regulation, site plan review regulation changes if active and substantial development hadn’t begun by July 1, 2025.
- The extended 3-year time frame to reach active and substantial development, and seven-years to reach substantial completion doesn’t affect approvals issued before July 1, 2023. While [674:39, I](#) doesn’t address projects that were approved prior to July 1, 2023 which have not yet achieved substantial completion; the legislative intent was to extend the time period projects had to reach active and substantial development, and reach substantial completion in response to increased construction times due to difficulty obtaining financing, material and labor shortages. *Approvals issued prior to July 1, 2023, which reached active and substantial development prior to July 1, 2025, but haven’t yet reached substantial completion should therefore continue to be held to the time frame to reach substantial completion in existence at the time the approval was issued.*
- If “active and substantial development” is reached within three years of the approval and “substantial completion” is reached within seven years of the approval, a project is permanently vested, except for impact fees from any site plan review, subdivision regulation, or zoning changes enacted after the date of approval.
- HB 413 doesn’t make any changes to a Planning Board’s authority under RSA [674:39, III](#) to define in its site plan review and subdivision regulations what constitutes “*active and substantial development or building*” and “*substantial completion of the improvements as shown on the subdivision plat or site plan.*”

## Jurisdiction of the Local Building Code Board of Appeals and State Building Code Review Board

- HB 413 amends [RSA 674:34, I](#) to limit a Zoning Board of Adjustment or Board of Selectmen when it is acting as the Building Code Board of Appeals under [RSA 673:1,V](#) or [RSA 673:3,IV](#) to only *hear appeals of local amendments to the state building code or state fire code*. All other appeals of orders, decisions, or determinations made by the building official or fire official should be made directly to the state building code review board under [RSA 155-A:11-b](#).
- If a municipality has a Building Code Board of Appeals which exists independently from the Zoning Board of Adjustment or Board of Selectmen, per [RSA 674:34, I](#), it may continue to hear and decide appeals of orders, decisions, or determinations made by the building official or fire official relative to the application and interpretation of the state building code or state fire code as defined in [RSA 155-A:1](#).

## Appeals of Decisions of the State Building Code Review Board to the Housing Appeals Board

- HB 413 amends [RSA 679:5, IV](#) to allow appeals of decisions of the state building code review board of decisions of the state fire marshal that may be appealed under [RSA 155-A:11, I](#), and final decisions of a local building code board of appeals that may be appealed under [RSA 155-A:11-b](#), to be appealed to the Housing Appeals Board under [RSA 679](#) in addition to Superior Court pursuant to [RSA 155-A:12](#).

## When a Zoning Board of Adjustment Can Act as a Building Code Board of Appeals

- HB 413 amends [RSA 673,3, IV](#) to clarify that a Zoning Board of Adjustment, regardless of whether its members are elected or appointed, may also serve as the Building Code Board of Appeals pursuant to [RSA 673:1,V](#). Previously, only elected Zoning Boards of Adjustment could serve as a Building Code Board of Appeals.

**Effective Date:** July 1, 2025

## HB 457, Relative to Zoning Restrictions on Dwelling Units.

HB 457 adds new paragraph VIII to [RSA 674:16](#), which:

- Prohibits adoption or enforcement of ordinances *that restrict the number of occupants of any dwelling unit to less than 2 occupants per bedroom.*
- Prohibits adoption and enforcement of ordinances based on *familial or non-familial relationships or marital status, occupation, employment status, or the educational status, including, but not limited to scholastic enrollment or academic achievement at any level among the occupants of the dwelling unit, including but not limited to college students.*

### What HB 457 Doesn't Do:

- HB 457 doesn't affect municipal authority to impose a cap on the total number of dwelling units in a building, the total number of occupants in a building, or regulations pertaining to the renting of individual rooms as long these regulations allow for a minimum of two persons per bedroom and don't regulate the relationship of the occupants to each other in such a way as would violate [RSA 674:16, VIII](#) or which are otherwise protected classes under [RSA 354-A:8](#).
- HB 457 doesn't mandate any specific land use or change local authority to regulate congregate living, rooming/lodging houses, sober homes, dormitories, or other group living where occupants have a private or semi-private room but share a kitchen and bathroom facilities.
- HB 457 doesn't affect compliance with building code requirements under [RSA 155-A](#) or fire code occupancy requirements under [RSA 153](#).
- HB 457 doesn't affect the ability for a governing body to adopt and enforce a housing standards ordinance including minimum occupancy standards under [RSA 48-A](#).

**Effective Date:** September 13, 2025.

## HB 577, Relative to Modifying the Definition of ADUs.

HB 577 amends the Accessory Dwelling Unit (ADU) law, [RSA 674:71-73](#), enacted in 2016, effective July 1, 2025:

- Expands the definition of Accessory Dwelling Unit in [RSA 674:71](#) to include both attached and detached units located on a lot containing a single-family dwelling, and creates separate definitions for attached and detached units:
  - “Attached unit” means a unit that is within or physically connected to the principal dwelling unit or completely contained within a preexisting detached structure.
  - “Detached unit” means a unit that is neither within nor physically connected to the principal dwelling unit, nor completely contained within a preexisting detached structure.
- Amends [RSA 674:72, I](#) to require that one attached or detached ADU be allowed as a matter of right in all zoning districts that permit single-family dwellings.
- Makes a series of other changes to the regulation of attached and detached ADUs in [RSA 674:72-73](#).

For a line-by-line comparison of RSA 674:71-73 as enacted in 2016 and RSA 674:71-73 as amended by 2025 HB 577, see [HB 577 – Summary of Changes](#). All ADU ordinances should be reviewed and amended to comply with the new and amended provisions of RSA 674:71-73, detailed below.

Be prepared for receipt of building permit applications to construct an ADU that complies with HB 577, even if your municipality hasn’t had the opportunity yet to amend your zoning ordinance to comply with HB 577. While state statute pre-empts local ordinances, we encourage you to speak to your municipal attorney about how to address conflicts between your municipality’s ADU ordinance and building permit applications that may comply with HB 577.

### Aspects of the 2017 ADU Law Unaffected by 2025 HB 577

- Requirement that lot size, frontage, space limitations, lot coverage standards, standards for maximum occupancy per bedroom, or other municipal regulations or controls apply to an attached or detached ADU (unless being converted from a structure that existed prior to July 1, 2025), if also required for a single-family dwelling.
- No requirement that a municipality allow more than one ADU for any single-family dwelling.

- Ability for a municipality to prohibit ADUs associated with multiple single-family dwellings attached to each other, such as townhouses.
- Ability for a municipality to prohibit condominium conveyance of an ADU separate from the principal dwelling unit.
- Ability for a municipality to limit maximum size of ADU to 750 square feet.
- Ability for a municipality to require owner occupancy of the principal dwelling unit or ADU including demonstration that one of the units is their principal place of residence, and establishment of reasonable local regulations to enforce such a requirement.
  - A municipality may continue to require ownership restrictions to be recorded on the property deed at the county Registry of Deeds, as long as such requirement is included in the municipality’s ADU ordinance or other relevant regulation.
- Prohibition against a principal dwelling unit and accessory dwelling being required to have separate water supply or sewage disposal systems.
- Requirement that regardless of whether a municipality has adopted an ADU ordinance, applicants are still required to (1) pull a building permit, (2) make adequate provisions for water supply and sewage disposal in accordance with [RSA 485-A:38](#), and (3) have an approved septic design from DES.
- Prohibition against a municipality requiring a familial relationship between the occupants of an ADU and the occupants of a principal dwelling unit.
- Prohibition against a municipality limiting an ADU to only one bedroom.
- Ability for a municipality to count an ADU as a unit of workforce housing for purposes of satisfying the municipality’s workforce housing obligations, under [RSA 674:59,III](#) if the unit meets the criteria in [RSA 674:58,IV](#) for rental units. This means the ADU must be affordable to a household with an income of no more than 60 percent of the median income for a 3-person household for the metropolitan area or county in which the housing is located as published annually by HUD.

**New or Amended Provisions in RSA 674:72-73 Affected by 2025 HB 577**

- Removes option for a municipality to subject the first attached or detached ADU on a lot to a conditional use permit or special exception. One attached or detached ADU shall be allowed as a matter of right in all zoning districts that permit single-family dwellings. If a municipality permits more than one ADU on a lot, it may subject additional ADUs to a conditional use permit or special exception.

- Adds language that ADUs may not be subject to setbacks, aesthetic requirements (i.e. location of primary entrance/exit, paint color), design review requirements, beyond what is required for a single-family dwelling.
- Prohibits municipalities from imposing septic system requirements for a single-family home with an ADU that are greater than required by the NH Department of Environmental Services (DES).
- Replaces option for municipalities to prohibit ADUs with manufactured housing with option for municipalities to prohibit ADUs associated with rented or leased land (i.e. manufactured home park).
  - Adding an attached ADU to a manufactured home is likely to violate state and federal manufactured housing installation standards, but there may be instances where a detached ADU could be built on a lot with a manufactured home if other setback, lot coverage, and lot size requirements are met. However, there is no requirement that a detached ADU be a manufactured home, as the requirements for where a municipality is required to allow manufactured homes is described in [RSA 674:32](#).
- Replaces requirement that an interior door shall be provided between the principal dwelling unit and attached ADU with a requirement that an attached ADUs shall have an independent means of ingress and egress or through a common space (i.e. shared hallway) shared with the principal dwelling unit. However, the municipality shall not limit the choice of entrance/exit.
- Adds language that clarifies that any municipal regulations applicable to both a single-family dwelling and an ADU shall not be more restrictive for the ADU than for any single-family use in the same zoning district.
- Replaces ability for a municipality to require adequate parking for an ADU with requirement that a municipality shall require no more than one additional parking space for each ADU, if it has established regulations requiring parking for the principal dwelling unit.
- Adds language that a property owner shall determine whether the parking space for each ADU is provided either on-site or at a legally dedicated off-site location.
- Adds language that the total living space of the ADU shall not exceed 950 square feet unless otherwise authorized by the municipality, but that a municipality may not restrict the total living space to less than 750 feet. This means that if a municipality hasn't adopted an ADU ordinance, ADUs up to 950 square feet shall be allowed. However, if a

municipality has adopted an ADU ordinance it may limit the maximum size of an ADU to 750 square feet.

- Replaces language allowing a municipality to impose standards requiring aesthetic continuity between the ADU and single-family dwelling with an allowance for aesthetic standards only if such standards apply to both the ADU and single-family dwelling. For example, a municipality may not impose requirements on the outside color, wall materials, or location of an ADU's ingress or egress if it doesn't impose the same standards for the single-family dwelling.
- Adds language that a municipality must allow for conversion of existing structures (existing prior to July 1, 2025) into ADUs even if the structure doesn't meet setback (front, side, or rear) or lot coverage dimensional standards in a municipality's land use regulations. However, this exemption only applies if the footprint of the existing structure is not enlarged.
- Adds language that a municipality not deny the establishment of a separate electrical panel and separate electrical service to the ADU from the principal dwelling unit.
- Replaces option for municipalities to permit detached ADUs and allowance of increased lot size for a detached ADU with a requirement that all municipalities permit one detached ADU, as stated in [RSA 674:72, I.](#)

**Effective Date:** July 1, 2025

## HB 631, Permitting Residential Building in Commercial Zoning.

HB 631 adds [RSA 674:79-80](#), creating a new requirement that beginning July 1, 2026 multi-family development be allowed on commercially zoned land if adequate infrastructure is present to support the development, and if other conditions as determined by the municipality through the Planning Board are met.

- [RSA 674:80, I](#) states, “*Notwithstanding any provision to the contrary, municipalities shall allow multi-family residential development on commercially zoned land, provided that adequate infrastructure, including roads, water, and sewage systems, shall be available or provided to support the development.*”

### Definition of Commercially Zoned Land

- [RSA 674:79, I](#) defines “Commercially zoned land” as *land zoned for such commercial activities as retail and office space*. Because each municipality, through its zoning ordinance, may permit different types of uses in its commercial zoning district, it is important to check the table of permitted uses or definition of the commercial zoning district to determine whether an application for a multi-family development on commercially zoned land meets the definition of commercially zoned land in RSA 674:79, I.

### Locations Where Multi-Family Residential Developments Shall Be Allowed

- [RSA 674:80, I](#) only requires that “multi-family residential development” as a use be permitted on commercially zoned land where commercial activities such as retail and office space are permitted.
- [RSA 674:80, II](#) provides that if the commercially zoned land is located in a zoning district, which also permits industrial and manufacturing uses that may result in impacts incompatible with residential uses such as air, noise, odor, or transportation impacts, a municipality may continue to restrict residential development, including multi-family development, in these districts.

### Application of Dimensional Requirements and Other Regulations

- [RSA 674:80, III](#) provides municipalities the option of requiring all ground floor space or a percentage thereof of a multi-family residential development to be dedicated to retail or similar uses. However, because [RSA 674:80, I](#) only requires a municipality to allow multi-family residential developments in commercial zones, a municipality has no obligation to allow commercial uses in a multi-family residential development, thereby making them a

mixed-use development. A municipality may also allow commercial uses within other parts of a multi-family residential development.

- [RSA 674:80, IV](#) requires that “a municipality shall provide an exemption to any requirements regarding setbacks, height, or frontage of a building being converted to multi-family or mixed-use through adaptive reuse”, provided that the building’s floor area, height, and setbacks do not change. [RSA 674:79, III](#) defines “Adaptive Reuse” as *the repurposing of existing buildings or structures in whole or in part for residential purposes*. If the footprint of the building being converted to multi-family or mixed-use is expanded the exemption from the building complying with local setback, height, or frontage requirements goes away.
- A municipality may subject construction of new “multi-family residential developments” to setback, height, frontage, lot coverage, minimum lot size, limits on the number of units in a building, or any other dimensional requirements or regulations.

### Definition of Multi-Family and Subjecting to Site Plan Review?

- [RSA 674:79](#) doesn’t define multi-family residential development. There are two definitions of multi-family in RSA 674:58, II and RSA 674:43, I:
  - [RSA 674:58, II](#) defines “multi-family housing” as *a structure containing 5 or more dwelling units*.
  - [RSA 674:43, I](#) defines “multi-family dwelling units” as *structures containing more than 2 dwelling units*.

A municipality may choose which definition of multi-family to use, but should be consistent in which of the two definitions it decides to use.

A municipality may subject applications for the construction of new multi-family residential developments to site plan review in order to evaluate whether the proposed development meets all of the municipality’s site plan review requirements including infrastructure and utility requirements.

### Determination of Presence of Adequate Infrastructure?

- [RSA 674:79-80](#) doesn’t place limitations on how a municipality should define or assess the presence of adequate infrastructure. [RSA 674:80, I](#) only says, “adequate infrastructure, including roads, water and sewer systems, shall be available or provided to support the development.”

- A municipality will need to make its own determination whether adequate infrastructure is present to support a multi-family residential development. In evaluating whether adequate infrastructure exists to support a multi-family residential development on commercially zoned land, a Planning Board should examine the existing water and sewer main and water/wastewater treatment plant capacity based on engineering studies and or request third-party review in accordance with [RSA 676:4-b](#), at the expense of the applicant.
- If a Planning Board doesn't require analysis and confirmation of adequate water and sewer capacity as part of its site plan review process, it should consider amending its site plan review regulations to require this in accordance with [RSA 674:44, II](#) before a site plan can be conditionally approved.
- A Planning Board should also consider whether the road or highway serving the multi-family development has sufficient capacity to handle the increase in vehicle trips generated by the development based on traffic studies or third-party review.
- If the Planning Board, after reviewing water and sewer capacity, road capacity, etc., determines that adequate infrastructure doesn't exist to serve a multi-family residential development in a commercial zone, it may deny the application. However, any denial should contain clear findings of fact documenting the lack of adequate infrastructure in accordance with [RSA 676:3, I](#).
- A Planning Board should also make sure it is evaluating applications for the multi-family residential development in a commercial zone (where the zoning ordinance would otherwise not allow such as use) and applying a uniform adequate infrastructure standard regardless of the type of multi-family residential development (market rate, mixed-income, workforce/income-restricted, age-restricted, etc.).

**Effective Date:** July 1, 2026

## SB 281, Prohibiting Municipalities from Denying Building or Occupancy Permits for Property Adjacent to Class VI Roads Under Certain Circumstances.

Currently under [RSA 674:41, I\(c\)](#), a local governing body has the option of voting to authorize building permits for erection of buildings on Class VI highways or a portion thereof, after review and comment by the Planning Board. If the governing body votes to authorize issuance of building permits on Class VI roads, prior to issuance of the building permit, the applicant is also required to provide proof that a notice of the limits of municipal responsibility and liability (noting the applicants knowledge that the municipality neither assumes responsibility for maintenance of the road nor liability for damages caused by the non-maintenance) has been filed with the county registry of deeds.

SB 281 amends [RSA 674:41, I\(c\)](#) beginning July 1, 2026 to require issuance of building permits on Class VI highways, provided that the applicant:

- (1) *Signs a liability waiver acknowledging that the:*
  - (A) *Municipality shall not maintain the highway nor provide any services to any lot accessible by the highway;*
  - (B) *Municipality shall not accept any responsibility for losses or damages caused by a lack of services; and*
  - (C) *Responsibility for such services falls solely on the applicant; and*
- (2) *Prior to the issuance of a building permit, produces evidence that this waiver has been recorded in the county register of deeds; and proves the lot and any buildings thereon are insurable.*

[RSA 674:41, I\(c\)](#) doesn't include any guidance of how to "prove the lot and any buildings thereon are insurable." It is not clear whether a property-owner could self-insure their property or whether a certificate of insurance from a third-party insurance company is required.

### What SB 281 Doesn't Do?

- SB 281 does not impact the underlying zoning or dimensional requirements including density, lot size, lot coverage, frontage, setback, or height requirements for structures built on lots adjacent to Class VI highways.
- SB 281 doesn't require a municipality to require subdividing of a lot with frontage only on a Class VI highway. Subdividing on a Class VI road will continue to remain the purview of the Planning Board and be subject to the requirements of the zoning ordinance and subdivision regulations.



- A zoning ordinance can still require frontage on a Class V or better highway. If a zoning ordinance requires frontage on a Class V or better, an applicant seeking to build on a Class VI road would need to first seek a variance from the Class V road frontage requirement from the Zoning Board of Adjustment.

**Effective Date:** July 1, 2026

## **SB 283, Relative to the Calculation of Floor-Area-Ratios Under Local Building Ordinances.**

SB 283 adds new [RSA 674:77](#) and [RSA 674:78](#), which places limitations on how floor-area-ratio (FAR) should be calculated for new construction projects. SB 283 only applies to select municipalities that use FAR in their land use regulations to regulate the volume of a building or structure. FAR typically doesn't affect shape, spacing, or height of a building.

[RSA 674:77, I](#) defines "floor-area-ratio (FAR)" as *the ratio of a building's total floor area to the size of the parcel of land upon which it is built.*

[RSA 674:78, I](#) states that municipalities that use FAR *shall exclude below-grade areas (including basements, cellars, and sublevels) from the calculation of FAR for new construction projects.*

[RSA 674:78, II](#) clarifies that *developers may utilize below-grade areas for purposes such as parking, storage, mechanical spaces, and additional facilities, without impacting the calculation of FAR for the building.*

**Effective Date:** September 30, 2025

## **SB 284, Relative to Authority for Municipalities to Regulate Mandatory On-Site Parking Requirements.**

SB 284 amends [RSA 674:16, VII](#) by replacing the previous requirement that city, towns, or counties in which there are located unincorporated towns or places require no more than 1.5 residential parking spaces per unit for studio and one-bedroom units under 1,000 square feet that met the requirements of the workforce housing law, RSA 674:58, IV or for multi-family developments with 10 units or more, with a blanket requirement that *no more than one residential parking space per unit* can be required if a municipality regulates accessory parking for vehicles in its land use ordinances.

### **What SB 284 Doesn't Do?**

- SB 284 doesn't limit the construction of more than one residential parking space per unit if the property owner/applicant determines that there is a need for more than one parking space per unit.
- SB 284 doesn't place any limitation on the number of parking spaces required for non-residential uses including for commercial or industrial uses. For a mixed-use building, which contains both residential and commercial uses, not more than one parking space can be required for each residential unit. However, there is no limit on the number of park spaces which can be required for the commercial portion of the building.
- SB 284 doesn't affect an applicant's ability under [RSA 674:16-a](#) to apply to the Planning Board for an "alternative parking solution" to allow less than one (1) space per unit.

**Effective Date:** September 13, 2025.

*Additional questions regarding bills passed in the 2025 legislative session can be sent to BEA staff at [planning@livefree.nh.gov](mailto:planning@livefree.nh.gov).*

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