



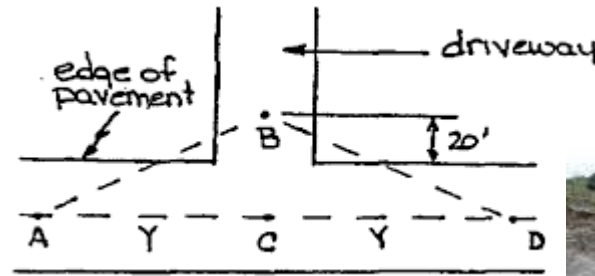
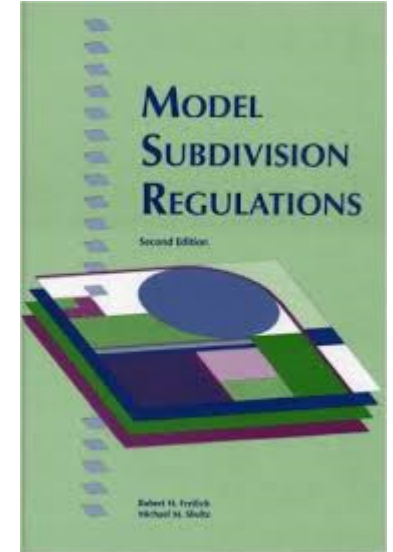
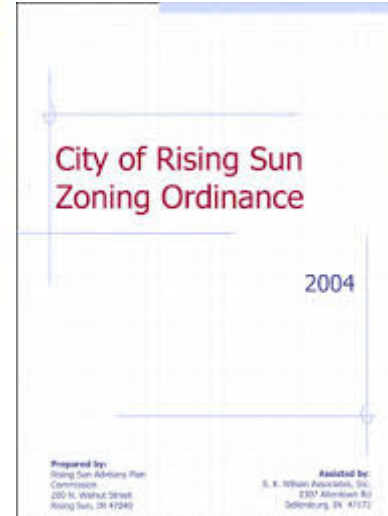
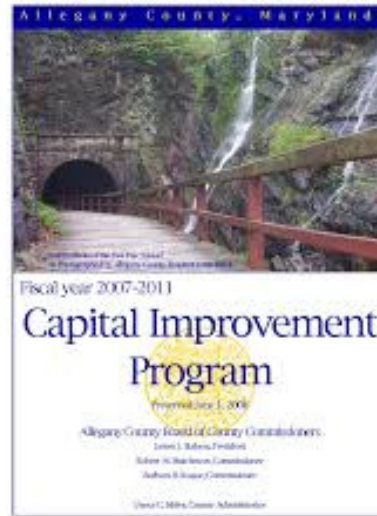
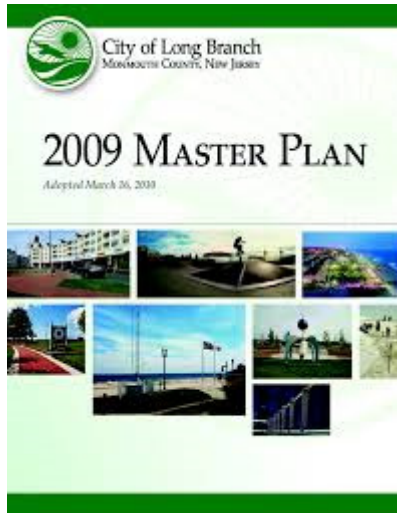
NEW HAMPSHIRE MUNICIPAL ASSOCIATION

# Planning Board Basics

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# Statutory Duties of Planning Board



# Master Plan: RSA 674:1 - :4



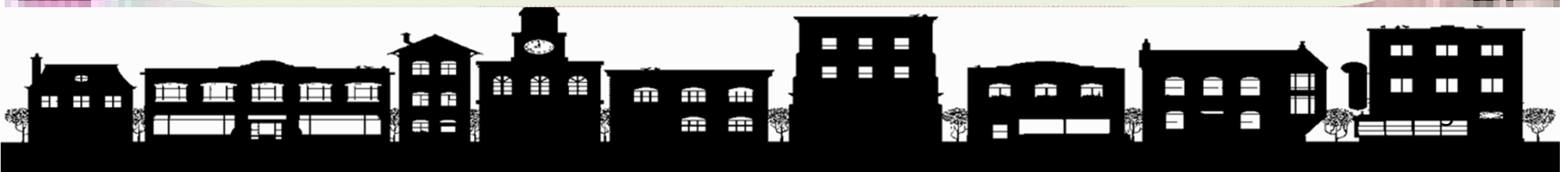
# Capital Improvements Program

- Aid with budgeting decisions
- Not a basis to deny subdivision application  
*Zukis v. Fitzwilliam*,  
135 N.H. 384 (1992)
- Prerequisite for:
  - Impact fees
  - Growth Management



## ***ZONING AMENDMENTS – RSA 675:3***

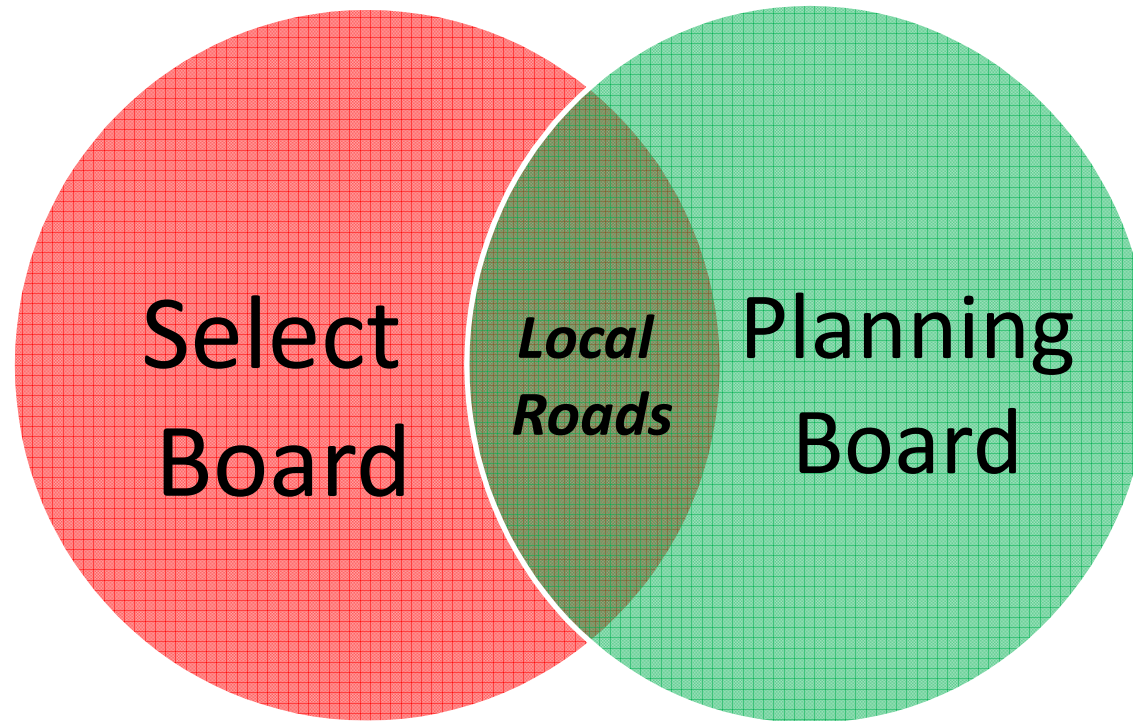
- ✓ Planning Board proposes initial zoning adoption
- ✓ Planning Board & Select Board may propose amendments
- ✓ At least one public hearing by Planning Board
- ✓ Another hearing 14 days later if proposal substantively modified
- ✓ Deliver final proposal to town clerk 5<sup>th</sup> Tuesday before town meeting
- ✓ Petitioned Amendments RSA 675:4, Planning Board states approval or disapproval on ballot.



# Innovative Land Use – RSA 674:21

- An innovative land use control when supported by the master plan
- Shall contain standards to guide board which administers the ordinance.
- May provide for administration, including the granting of conditional or special use permits, by the planning board, board of selectmen, zoning board of adjustment, or such other person or board as the ordinance may designate.
- If planning board does not administer, any proposal submitted under this section shall be reviewed by the planning board prior to final consideration by the administrator.





- Layout of new roads – **Select Board RSA 231:8**
- Acceptance of new roads – **Select Board 674:40-a**
- Maintenance of existing roads – **Select Board 231:65**
- Town Road Construction Standards – **Select Board RSA 41:11, RSA 47:17, VII, VIII, XVIII**

- Approval of New Subdivision Roads **Planning Board RSA 674:36**
- Planning for new and existing roads – **Planning Board RSA 674:2, II**
- Capital Improvement Planning for roads – **Planning Board 674:5**
- Subdivision & Site Plan Road Construction Standards – **Planning Board RSA 674:36, I, (e); RSA 674:44, II, (d) (c)**







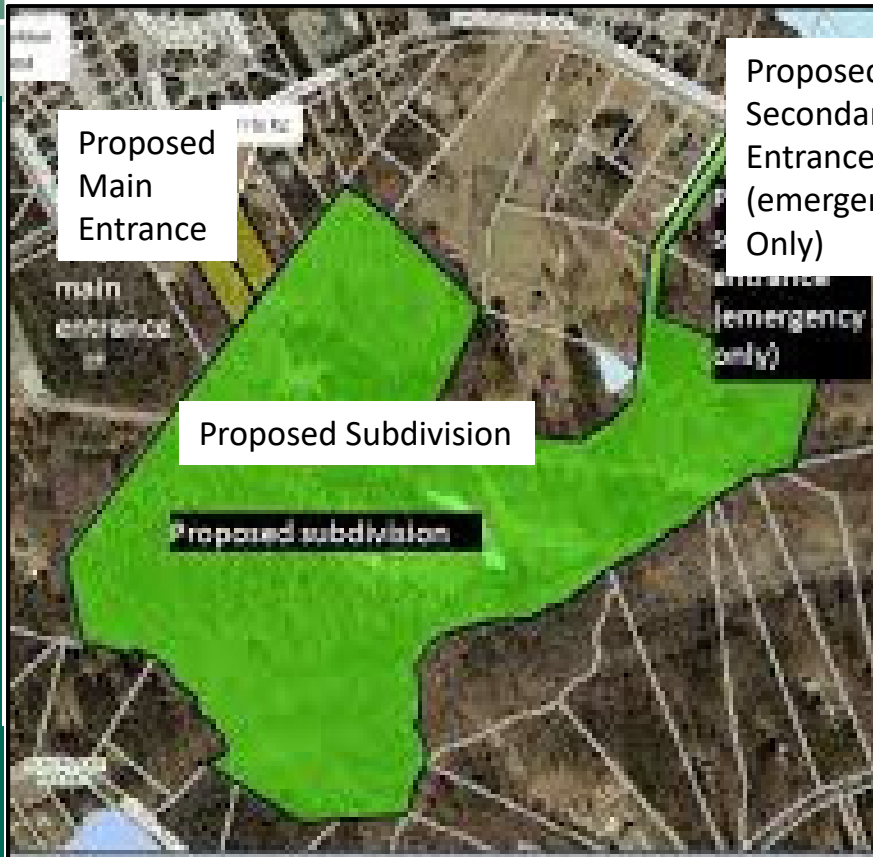
## 674:40 Improvements in Unapproved Streets

- ❑ A municipality which has established a planning board in accordance with RSA 674:35
- ❑ ***Shall not*** thereafter accept, lay out, . . . within any portion of the municipality ***unless*** such street:
  - (a) Has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the conferring of platting jurisdiction upon the planning board; or
  - (b) Corresponds in its location and lines with a street shown on the official map, or with a street shown on a subdivision plat approved by the planning board, ***or with a street on a street plat made by and adopted by the board.***





# ***PUBLIC STREETS***



- ✓ ***Approves Subdivision Roads 674:36, I (e) & 674:36, II (a)***
- ✓ ***Approves Site Plan Roads RSA 674:44, II, (d) (e) (f)***
- ✓ ***Establishes Road Construction Standards***
- ✓ ***Establishes minimum completion before occupancy 676:12, V***
- ✓ ***Imposes performance bonding, RSA 674:36, III***



# RSA 236:13 Driveways



# *Planning Board Authority to Prevent Scattered and Premature Development RSA 674:36, II (a)*



# Planning Board Basic Organization



PLANNING  
CHECKLIST



# Subdivision/Site Plan Applications: Preliminary Review



# Merged Lots – 674:39-a

- ✓ Merger of 2 or more *contiguous* preexisting approved or subdivided lots or parcels.
- ✓ No public hearing or notice shall be required.
- ✓ No new survey plat need be recorded,
- ✓ Notice of the merger endorsed by the planning board recorded at registry of deeds.
- ✓ If any lot is under a mortgage, lender must consent.



# Formal Application, RSA 676:4, I

Completed application

Regulations specify what is completed application.

Checklist can specify types of plans, studies, designs, etc. to minimize review and revisions.

Fees for costs & consultants' studies; detailed accounting. RSA 676:4-b

Application accepted by vote at meeting, with abutter and published notice.





# Time Line for Decision, RSA 676:4, I

- Preliminary Consultation No Set Time Limit
- Application submitted 21 days before acceptance at meeting
- Notice to Abutters and public 10 days before meeting for plan acceptance
- Hold at least one public hearing and make decision within 65 days of plan acceptance
- Issue written decision within 5 business days





Only One Bite of the Apple



# Planning Board off-site exactions

## RSA 674:21, IV (j)

- No impact fee ordinance adoption necessary to impose exactions as condition of Planning Board approval
- Improvements that are necessitated by a development located outside the project boundaries
- Subject to rational nexus test
- Limited to highway, drainage, and sewer and water upgrades pertinent to that development



# *Third Party Consultants*



# Public Hearing Procedures



# The Problem of Lengthy Hearings

9 hours later . . .



“Hurray, meeting adjourned.”



# Deliberation





# Weighing the Evidence

LISTEN TO ALL THE  
EVIDENCE BEFORE  
YOU FORM AN OPINION



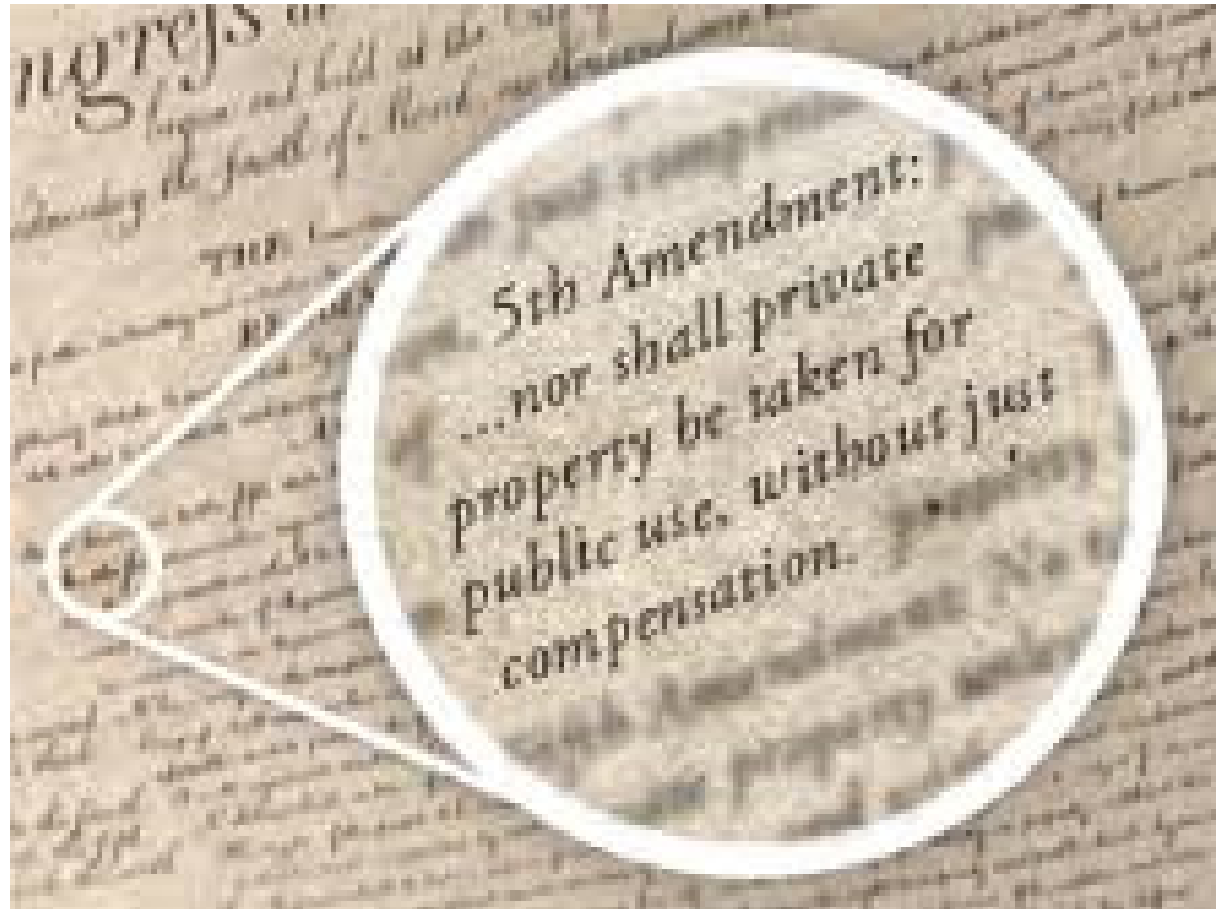
# Written Notice of Decision



# Conditional Approval



# “Grandfather Rights”



# Superior Court Appeal – RSA 677:15





*for attending  
our presentation*

## Mission Statement

The New Hampshire Municipal Association is a non-profit, non-partisan association working to strengthen New Hampshire cities and towns and their ability to serve the public as a member-funded, member-governed and member-driven association since 1941. We serve as a resource for information, education and legal services. NHMA is a strong, clear voice advocating for New Hampshire municipal interests.



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