

§ 21.08 Staff; Finances

The zoning board of adjustment may appoint such employees as it deems necessary for its work. These ZBA employees shall be subject to the same employment rules as other corresponding civil employees of the municipality. The board may also contract with planners, engineers, architects, and other consultants for such services as it may require. The board may accept and use gifts, grants, or contributions for the exercise of its functions in accordance with procedures established for the expenditure of funds within the municipality.

The local legislative body may provide such funds, equipment, and accommodations, as it deems necessary or advisable for the board to work. All expenditures of the board, exclusive of gifts, reimbursements, or fees collected pursuant to RSA 673:16, II must be within the amounts appropriated by the local legislative body for use by the board. Fees that a local land use board lawfully collects from an applicant to cover an expense lawfully imposed upon that applicant, including, but not limited to, the expense of notice, the expense of consulting services or investigative services under RSA 676:4, 1(g), or the implementation of conditions

§ 28.07 Planning Board Staff and Finances

A planning board may appoint such employees, as it deems necessary for its work. ¹⁹ Employees of the board are subject to the same employment rules as other corresponding civil employees of the municipality. The board may also contract with planners, engineers, architects, and other consultants for such services as it may require. The expenditures of the board, exclusive of gifts or reimbursements, must be within the amounts appropriated for the purpose by the local legislative body, which may provide such funds, equipment, and accommodations, as it deems necessary or advisable for the board's work. The planning board may accept and use gifts, grants, or contributions for the exercise of its functions, in accordance with the procedures established for the expenditure of funds within the municipality.

In addition to such funds as may be included in the planning board's budget, the board may charge any applicant for subdivision or site plan review approval all costs for notice of any public hearings, including the cost of mailing the certified notice and newspaper publication costs. The board may charge reasonable fees to cover its administrative expenses and costs of special investigative studies, review of documents, and other matters, which may be required by particular applications. The fees charged obviously must be reasonable in light of the particular proposal; however, if there are particular concerns about wetlands or traffic, there is no reason why the planning board cannot have its own studies undertaken or hire an expert to review the studies submitted by the applicant. If particular legal concerns arise, the planning board is authorized to have counsel review documents submitted by the applicant. In each case the applicant will be responsible for payment for those studies.

Any fee, which the planning board lawfully imposes on an applicant, if held by the municipality, must be placed in the custody of the municipal treasurer, subject to the same investment limitations as other municipal funds, and may be expended only for the purpose for which the fee was imposed upon the applicant. Fees collected by the planning board must be held in a separate, nonlapsing account, and not commingled with other municipal funds; however, such funds may be expended without approval of a local legislative body and must be paid out by the municipal treasurer only upon order of the local land use board or its designated agent.

§ 32.06 Fees for Planning Board Expense

In addition to the fees for notice required under RSA 676:4, 1(d), reasonable fees may be imposed by the board to cover its administrative expenses and the cost of special investigative studies, review of documents and other matters which may be required by particular applications. As was discussed in the previous sections dealing with subdivision approval and site plan approval, the key to assessing fees for the review of plats is that the assessments must be reasonable. They cannot be used as a source of revenue for the municipality.