

## Selected planning legislation from the first session of the 165th General Court (2017).

### Planning

HB 123 – *relative to continuation of a public hearing of the Zoning Board of Adjustment*

Chaptered Law 0004

This bill amends RSA 676:7 to authorize the Zoning Board of Adjustment to continue a public hearing to a specified time and place with no additional notice required

**Effective Date: May 30, 2017**

HB 131 – *relative to the costs for notice of changes in a zoning district*

Chaptered Law 0231

This bill amends RSA 675:7 to require the petitioners submitting a petitioned zoning amendment to pay the costs of notification of the planning board's public hearing on the proposed zoning amendment where the zoning amendment would change a boundary of a zoning district and the change would affect 100 or fewer properties, or if a proposed amendment would change the minimum lot sizes or the permitted uses in a zoning district that includes 100 or fewer properties. Notice of a public hearing shall be sent by first class mail to the owner of each property in the district. If the full cost of notice is not paid at the time the zoning amendment petition is submitted, the municipality shall inform the voter whose name appears first on the petition of the cost of notice within 5 business days, and the balance shall be paid within another 5 business days. If full payment is not made and received within 5 business days, the selectmen or village district commissioners may, in their discretion, decide to accept or decline the petition for submission. Failure by the municipality to inform the responsible person of the cost of notice shall be deemed a waiver of the payment requirement.

**Effective Date: September 16, 2017**

HB 163 – *relative to the responsibility of a municipality to enforce its OHRV ordinances*

Chaptered Law 0056

This bill amends RSA 215-A:15 to require that municipalities that enact OHRV ordinances (allow ATVs to use town roads) assume the responsibility for enforcing those ordinances, rather than the Department of Fish & Game

**Effective Date: August 01, 2017**

HB 258 – *relative to relative to septic requirements in conversions to accessory dwellings*

Chaptered Law 0238

This bill amends RSA 674:72, V to require that before developing an accessory dwell unit property owners must submit an application for approval for a sewage disposal system to the Department of Environmental Services, in accordance with RSA 485-A as applicable. The approved sewage disposal system shall be installed if the existing system has not received construction and operational approval under current rules or previous rules, or the system fails or otherwise needs to be repaired or replaced.

**Effective Date: September 16, 2017**

HB 265 – *relative to accessory dwelling units*

Chaptered Law 0089

This bill amends RSA 674:72, I to authorize municipalities to limit the right to have an accessory dwelling unit for certain multiple single-family dwellings attached to each other, such as mobile homes and townhouses. It also prohibits condominium conveyance of accessory dwelling units unless the municipality expressly allows it.

**Effective Date: June 5, 2017**

HB 299 – *relative to notice by mail for planning and zoning purposes*

Chaptered Law 0059

This bill amends numerous statutes to require that the planning board and zoning board of adjustment give notice of certain hearings by “verified mail,” rather than by certified mail. “Verified mail” is defined as “any method of mailing that is offered by the United States Postal Service or any other carrier, and which provides evidence of mailing.” This includes, but is not limited to, certified mail. Statutes amended to require verified mailing are: RSA 674:27, 674:66, 676:4, 676:4-a and 676:7.

**Effective Date: August 1, 2017**

HB 514 – *relative to alternate members of planning boards*

Chaptered Law 0143

This bill amends RSA 673:6, III to clarify that the alternate for an ex officio planning board member who is a city or town council member, select board or village commission member shall be appointed by the respective council, board or commission in the same manner and subject to the same qualifications as the city or town council member, select board or village district commission member under RSA 673:2.

**Effective Date: August 15, 2017**

HB 654 – *relative to restrictions on the authority to regulate vacation and short-term rentals under the housing standards law*

Chaptered Law 0249

In addition to establishing a committee to study the regulation and taxation of vacation and short-term rentals, this bill also restricts the authority of municipalities to regulate vacation and short-term rentals under the housing standards law – RSA 48-A. Municipalities are prohibited from imposing additional regulations or restrictions on vacation or short-term rentals, which are defined as “any individually or collectively owned single-family house or dwelling unit or any group of units in a condominium, cooperative, or timeshare, or owner occupied residential home that is offered for a fee and for less than 30 days.”

**Effective Date: July 1, 2017**

SB 30 – *relative to defining “woodland buffer” for the purposes of the Shoreland Water Quality Protection Act*

Chaptered Law 0225

This bill amends RSA 483-B:4 to define “woodland buffer” as “all protected shorelands within 150 feet of the reference line including those protected shorelands within 50 feet of the reference line more specifically designated as the waterfront buffer.” Among other changes to the Shoreland act, the bill also amends RSA 483-B:9, V (b)(2)(A) as follows: “On a given lot, at least 25 percent of the woodland buffer area located between 50 feet and 150 feet from the reference line shall be maintained as natural woodland.”

**Effective Date: September 9, 2017**

SB 118 – *relative to the defining “impervious surface” for purposes of the Shoreland Water Quality Protection Act*

Chaptered Law 0038

This bill amends RSA 483-B:4 to define “impervious surface” as “any surface, whether natural, man-made, or modified, that can effectively absorb or infiltrate water including, but not limited to, vegetated surface, such as woodlands, planted beds, and lawns, and those pavements specifically designed and maintained to effectively absorb and infiltrate water.”

**Effective Date: May 9, 2017**

SB 185 – *relative to extending the community revitalization tax relief program to coastal properties subject to storm surge, sea level rise, and extreme precipitation*

Chaptered Law 0203

This bill amends RSA 79-E to allow municipalities to adopt a program for tax and other relief for coastal properties subject to storm surge, sea level rise, and extreme precipitation, under the Community Revitalization Tax Relief Program. Coastal municipalities can establish Coastal Resilience Incentive Zones by vote of the legislative body (town meeting), enabling “qualifying structures” to receive tax relief for measures that make the structures more resilient to storm surge, sea level rise and extreme precipitation.

**Effective Date: September 3, 2017**

Right to Know

HB 170 – *relative to posting notice and minutes of public meetings on the public body's website*

Chaptered Law 0234

This bill amends RSA 91-A:2 to require the public body (all boards, committees, commissions, etc.) to either post its meeting notices on its internet website, if it maintains a website, “in a consistent and reasonably accessible location” or post and maintain a notice on the website stating where meeting notices are posted. Approved minutes must also be posted on the website in a consistent and reasonably accessible location, or a notice must be posted and maintained on the website stating where minutes may be reviewed and copies requested.

**Effective Date: January 1, 2018**

HB 460 – *relative to minutes under the Right to Know Law*

Chaptered Law 0165

This bill amends RSA 91-A:2 to state that a member of a public body may object to a discussion in a meeting of the body, including nonpublic session, if the member believes the discussion violates the Right to Know Law. Upon request of the member who is objecting to the discussion, the public body shall record the member's objection in its minutes of the meeting. The member may then continue to participate in the meeting without being subject to penalties under the law.

**Effective Date: January 1, 2018**

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