

PLANNING LUNCHEES AT NOON (PLAN) WEBINAR SERIES

Welcome to the October 2026 PLAN Webinar

Check out the Office of Planning & Development's Planning and Zoning Training webpage for:

- Slides and recording of past PLAN Webinars and conferences
- Planning Board and Zoning Board 101 slides and recordings
- Planning Board and Zoning Board Handbooks
- Optional Tests and Certificates

www.nhopd.com

An Overview of the Municipal Land Use Regulation Amendment Process

Noah Hodgetts, Principal Planner, BEA Office of Planning and Development

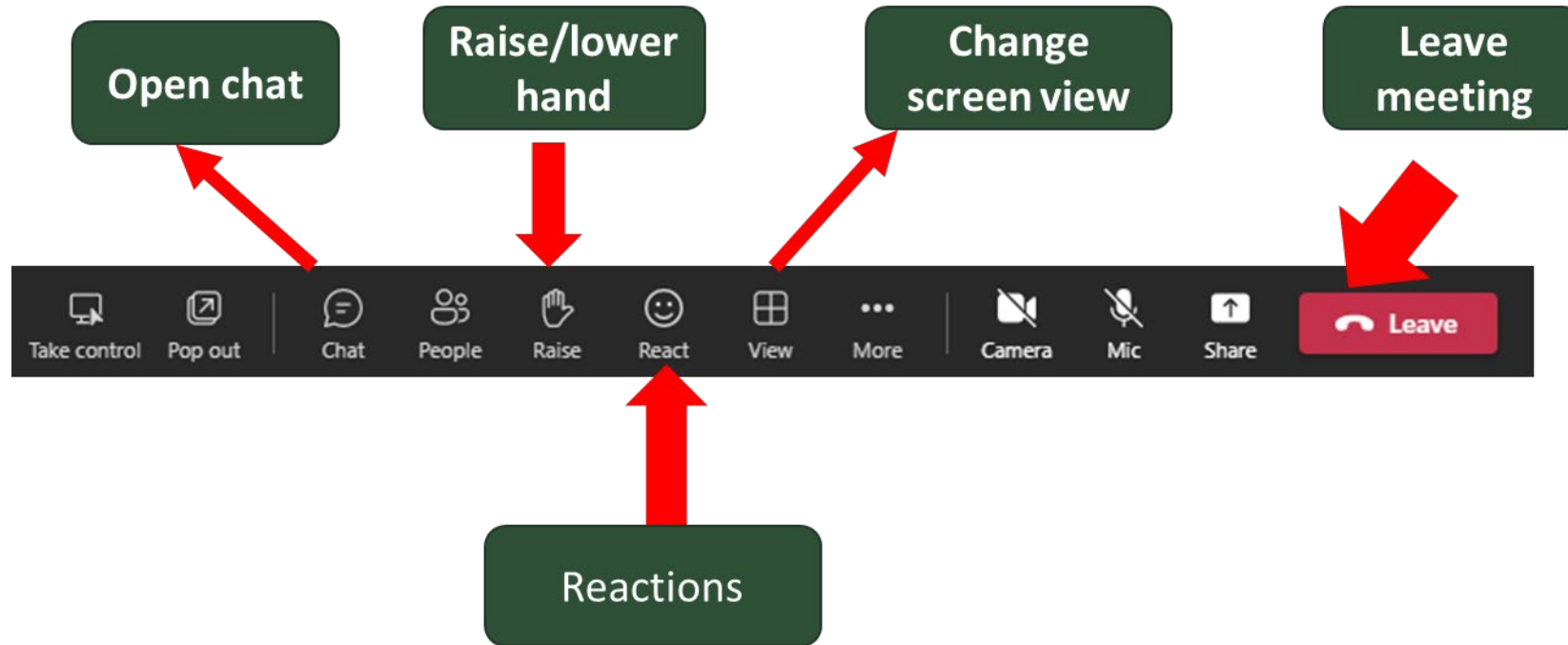
Stephanie Frechette, Principal Planner, BEA Office of Planning and Development

Peter Federico, Principal Planner, BEA Office of Planning and Development

How to Participate

For questions, type them into the chat box

We will do our best to answer all questions by the end of the webinar



Agenda

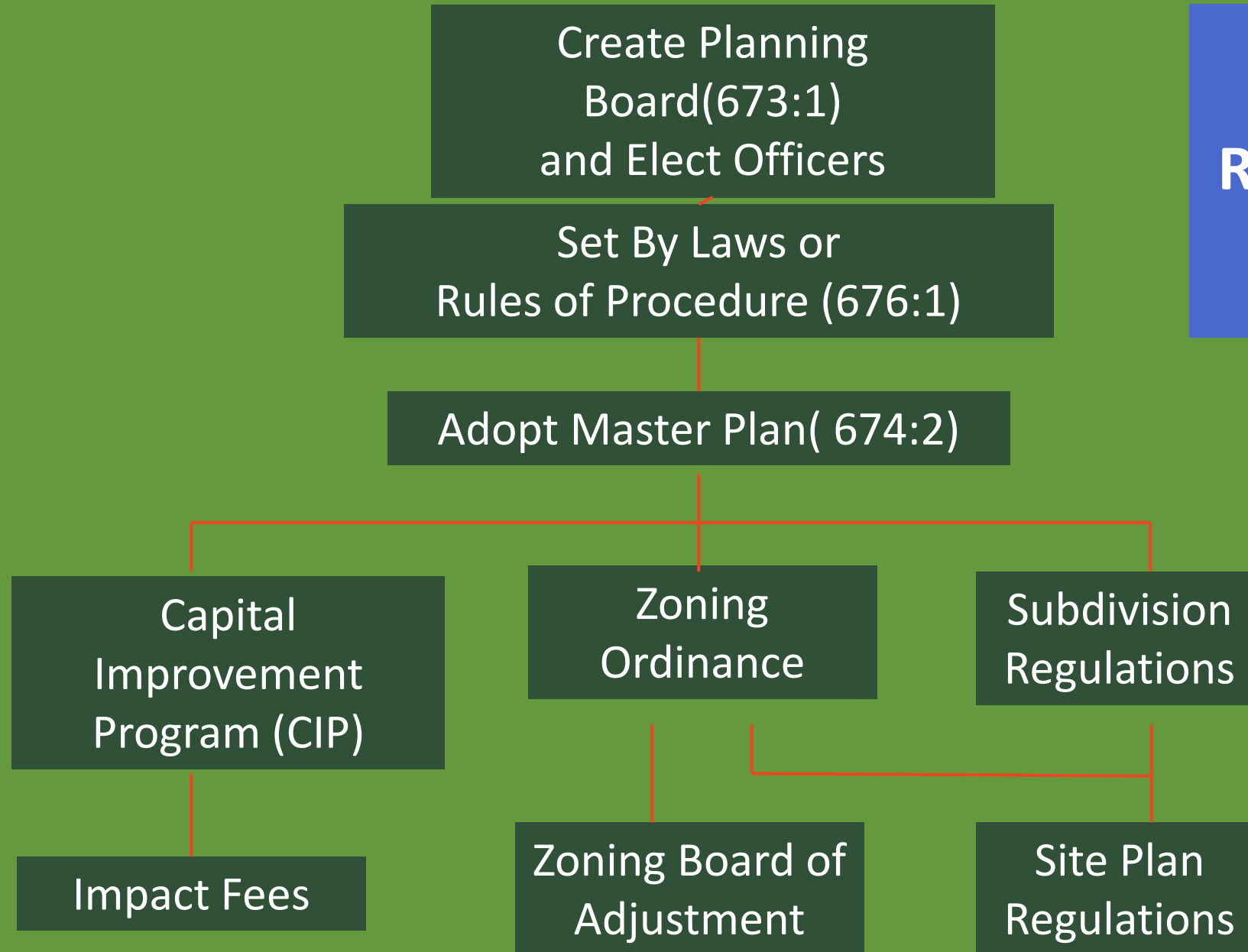
- Planning Board Regulatory Function
- NH Land Use Regulations and Process
- Zoning Ordinance, Site Plan Review, Subdivision Regulation Adoption and Amendment Process
- Zoning Amendment Calendars – Key Dates
- NFIP Map and Floodplain Ordinance Update Processes
- Questions

Planning Board Regulatory Functions

- ❑ Master Plan - RSA 674:2-4
- ❑ **Zoning Ordinance - 674:16**
- ❑ **Subdivision Regulations - 674:35 - 36**
- ❑ **Site Plan Review Regulations - RSA 674:43 - 44**
- ❑ Capital Improvements Program - RSA 674:5-8
- ❑ Growth Management - RSA 674:22
- ❑ Impact Fees - 674:21.V
- ❑ Default Regulator of Excavation Permits - RSA 155-E:1
- ❑ Driveway Regulations - RSA 236:13.VI



NH Land Use Regulations and Process



What Is Zoning?

1) Zoning Ordinance:

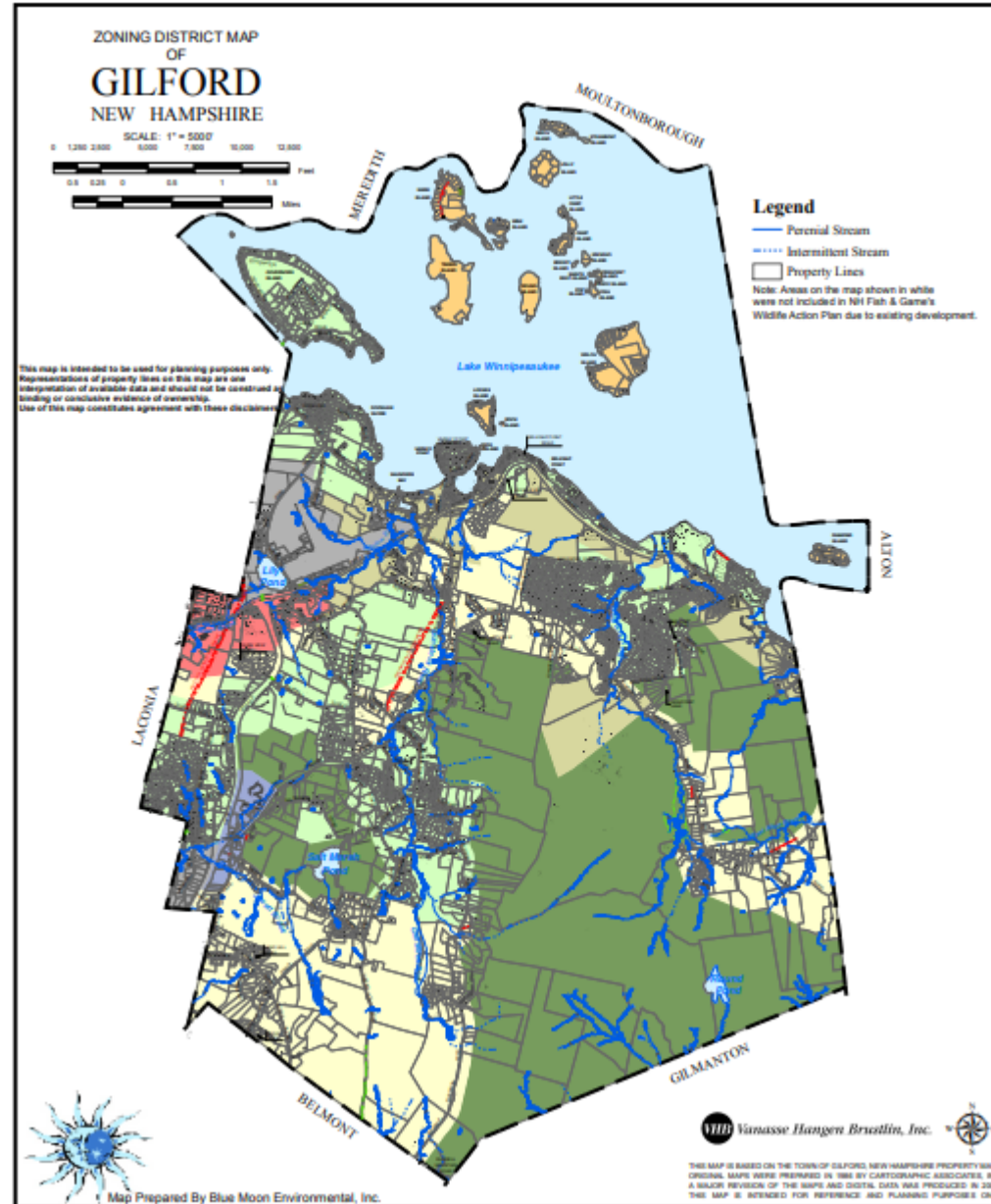
Municipality decides on whether to adopt zoning to regulate the land uses in their community.

RSA 674:16 -18

2) Zoning Map:

The map that geographically shows all zoning district boundaries and classifications as identified and described in the zoning ordinance.

RSA 674:20



Current Status of Zoning Ordinances in New Hampshire

227 with a comprehensive zoning ordinance

18 with no comprehensive zoning ordinance

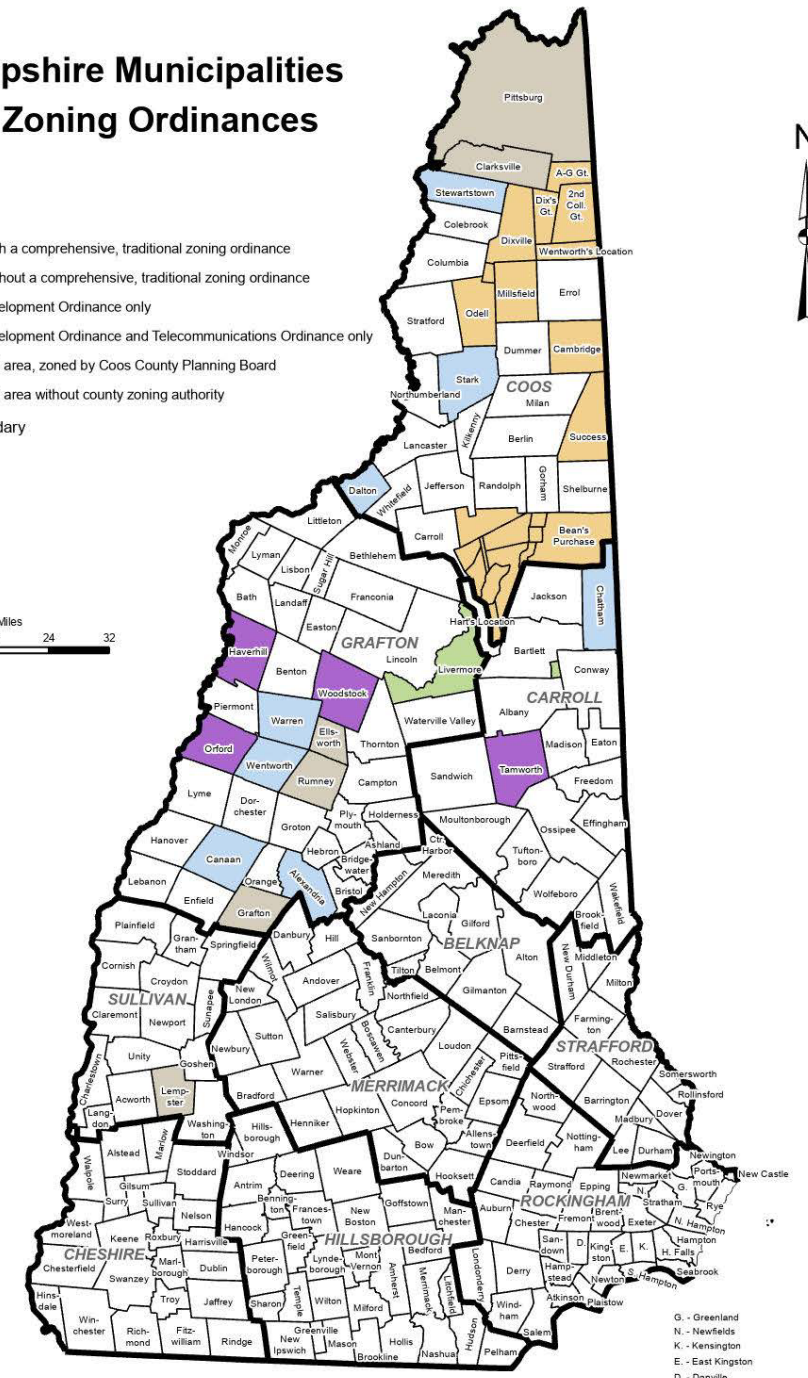
➤ **12** with some type of zoning (floodplain development ordinance and/or telecommunications ordinance)

➤ **6** without any type of zoning

New Hampshire Municipalities Status of Zoning Ordinances March 2026

- Municipality with a comprehensive, traditional zoning ordinance
- Municipality without a comprehensive, traditional zoning ordinance
- Floodplain Development Ordinance only
- Floodplain Development Ordinance and Telecommunications Ordinance only
- Unincorporated area, zoned by Coos County Planning Board
- Unincorporated area without county zoning authority
- County boundary

Scale in Miles
0 4 8 16 24 32





Elements of a Zoning Ordinance

- Title
- Authority/Preamble
- Purpose
- Applicability
- Separability/Saving Clause
- Administration, Enforcement, and Penalties
- ***Definitions***
- ***Districts – Base or Overlay***
- ***Table of Permitted Uses***
- ***Dimensional Requirements***
- ***Requirements for Specific Uses (ADUs, personal wireless service facilities, small wind energy systems, solar energy system, etc.)***

Example Sections of Zoning Ordinance

- ▶ Accessory Dwelling Units
- ▶ Adult Businesses
- ▶ Age-Restricted Housing
- ▶ Cluster Development
- ▶ Drinking Water Protection
- ▶ Floodplain Protection
- ▶ Groundwater/Aquifer Protection
- ▶ Historic District
- ▶ Impact Fees
- ▶ Shoreland Protection
- ▶ Sign Regulations
- ▶ Small Wind Energy Systems
- ▶ Solar Energy Systems
- ▶ Steep Slopes/Ridgeline Protection
- ▶ Surface Water Protection
- ▶ Watershed Protection
- ▶ Wetlands Protection
- ▶ Wireless Telecommunications
- ▶ Workforce Housing

Permissive vs. Prohibitive Zoning

- ▶ Permissive Zoning - If a Use is not specifically identified as a “*Permitted Use*” or a “*Use Permitted by Conditional use Permit or Special Exception*” than that “Use” is not permitted.
 - ▶ Table of Permitted Uses
- ▶ Prohibitive Zoning - Lists Uses that are not permitted and it's presumed that any Use not expressly prohibited is permitted.
 - ▶ Some of the earliest ordinances

Subdivision Regulations (674:36)

*Goal/Purpose-Provide against “scattered and premature development.”

MAY Address: Services

- Street Layout
- Utilities
- Public Health
- Open Space
- Lot Configuration
- Thresholds for major and minor subdivisions

May provide for waivers

Practice Pointer-The adoption and amendment of subdivision and site plan regulations can be done at any time throughout the year as they do not have to go to town meeting for approval. They would follow the normal 10-day public hearing notice procedures (RSA 674:.

Site Plan Review Regulations (674:44)

Must Include

- Procedures
- Purpose
- Standards
- Performance Guarantees
- ***Must provide for waivers***

May Include

- Traffic
- Parking
- Utilities
- Landscaping
- Building location
- Signage
- Lighting
- Noise

New Adoption: Establish Authority First

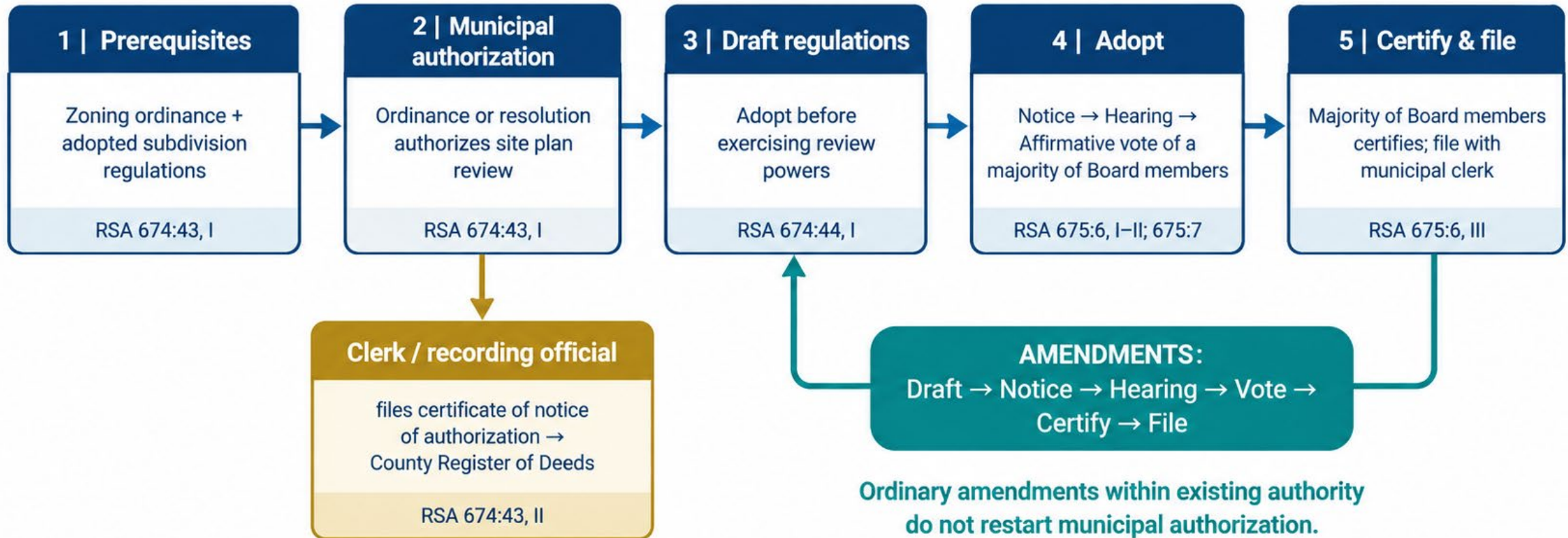
Subdivision Regulations (RSA 674:35-36)

- The municipality authorizes Planning Board subdivision review.
- The PB then adopts subdivision regulations before exercising that authority.

Site Plan Review Regulations (RSA 674:43-44)

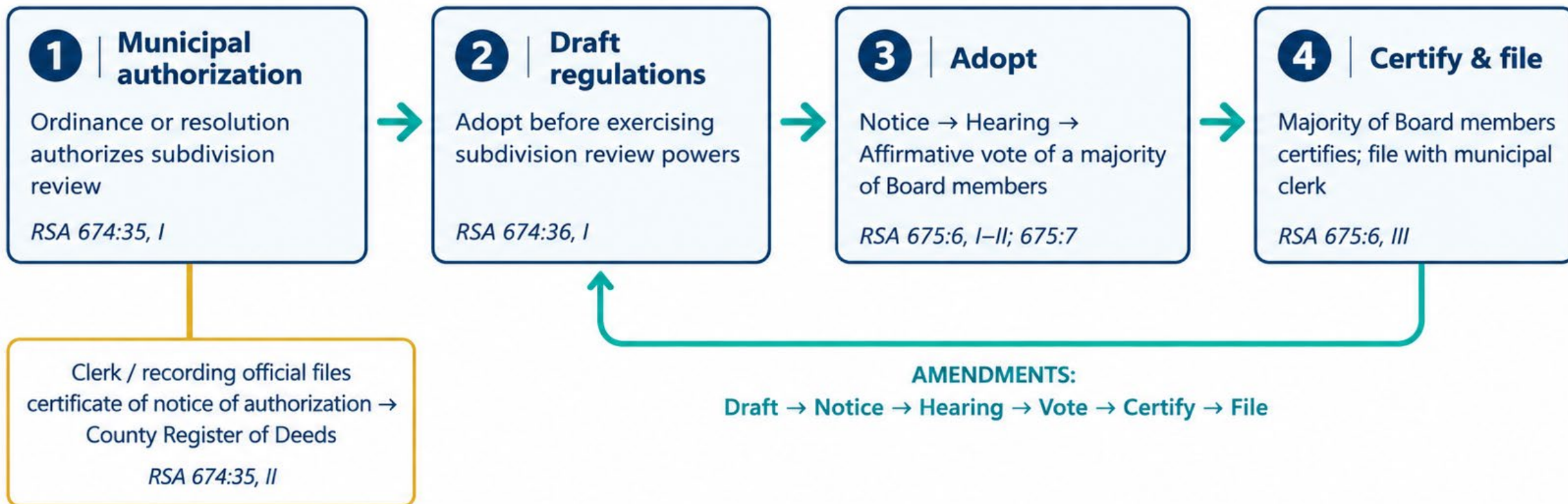
- The municipality must have zoning, and the Board must have subdivision regulations.
- The municipality authorizes site plan review; the PB then adopts site plan review regulations.

NH Site Plan Review: Authorization to Amendments

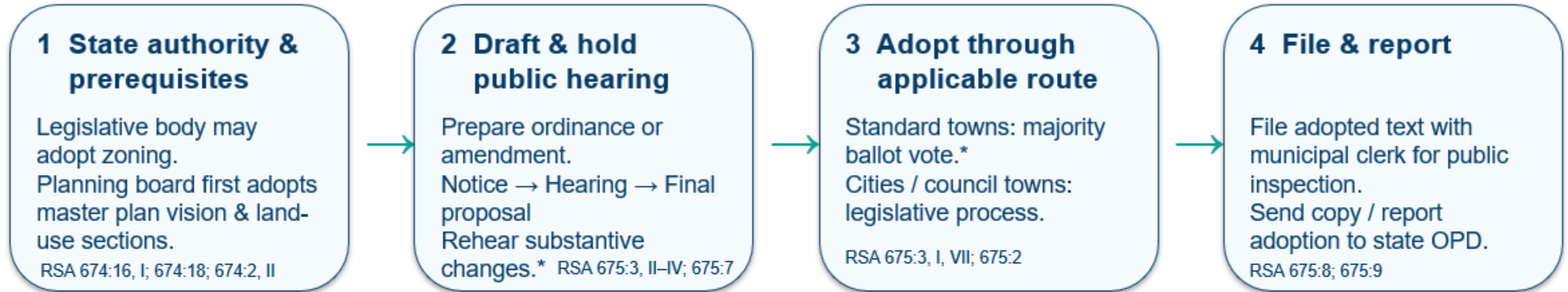


Effective only after certification and filing with the municipal clerk.

NH Subdivision Regulations: Authorization to Amendments



NH Zoning Ordinances: Authorization to Amendments



PETITIONED AMENDMENTS*
25+ voters; submit 120–90 days before annual meeting.
RSA 675:4

AMENDMENTS: Draft → Notice → Hearing → Vote → File / Report

Alternative if locally adopted: governing-body majority vote after a compliant public hearing (RSA 674:18-a).

*Standard town process shown. Qualifying protest petitions require a 2/3 vote (RSA 675:5).
Cities / council towns follow RSA 675:2; amendments do not restart the initial master-plan prerequisite.

Zoning requires legislative adoption—not a planning-board-only vote under RSA 675:6.

Zoning Amendment Calendars

BEA

New Hampshire Department of
BUSINESS AND
ECONOMIC AFFAIRS

2027 Zoning Amendment Calendar Traditional March Town Meeting

"Zoning Amendments" include adoption or amendment of the zoning ordinance and historic district ordinance. As a result of [2026 HB 244](#), beginning July 1, 2026, zoning amendments no longer include local building codes. For other calendars containing important municipal dates, please see those published by the [New Hampshire Municipal Association](#). For questions about the zoning amendment process, please e-mail planning@livefree.nh.gov.

November 2026		
Monday	November 9, 2026	First day to accept petitioned zoning amendments (675:4)
December 2026		
Wednesday	December 9, 2026	Last day to accept petitioned zoning amendments (675:4)
Monday	December 28, 2026	Last day to post and publish notice for first public hearing on zoning amendments, if a second hearing is anticipated (675:3 ; 675:7)
January 2027		
Thursday	January 7, 2027	Last day to hold first public hearing on zoning amendments, if a second hearing is anticipated (675:3)
Thursday	January 21, 2027	Last day to post and publish notice for final public hearing on zoning amendments (675:3 ; 675:7)
February 2027		
Monday	February 1, 2027*	Last day to hold final public hearing on proposed zoning amendments. Planning Board must determine final zoning amendment form that is to be posted and filed with the town clerk on February 2, 2027 (675:3)
Tuesday	February 2, 2027	Last day to place on file with the town clerk the official copy of the proposed amendments (675:3.V)
March 2027		
Tuesday	March 2, 2027	Last day to submit zoning ordinance protest petition to require 2/3 vote at town meeting (675:5)
Tuesday	March 9, 2027	Town Meeting (39:1)

Zoning Amendment Calendars (2027)

Traditional Town Meeting

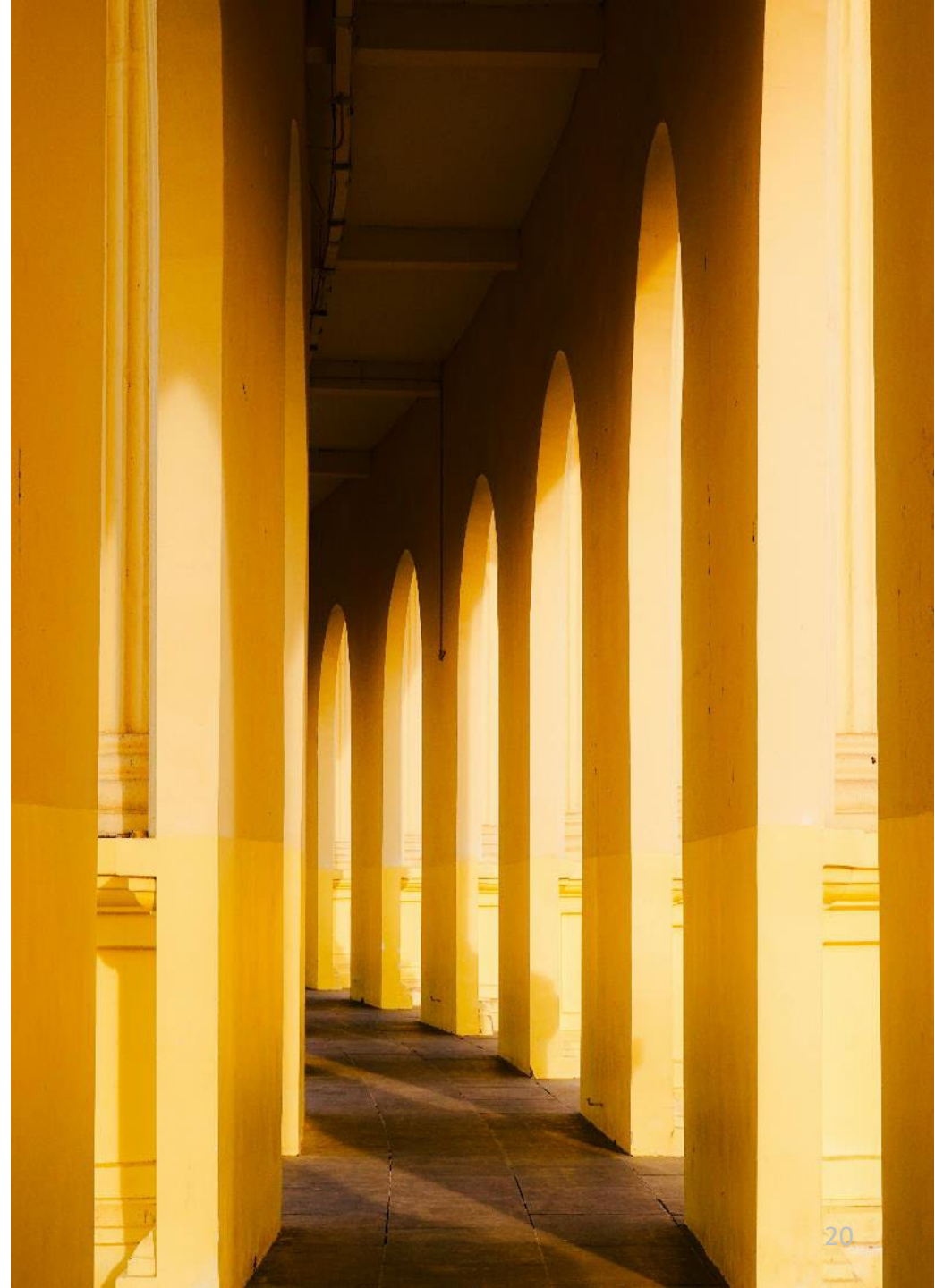
- ▶ Traditional - March
- ▶ Traditional - May

Official Ballot ("SB2") Town Meeting

- ▶ SB2 - March
- ▶ SB2 - April
- ▶ SB2 - May

Legislative Body Process

- In towns, a zoning ordinance may be adopted or amended by ballot vote of a majority of the voters present and voting at an annual or special town meeting
 - Towns get one bite at the apple-Once a year to change zoning!
- In cities and towns with a town council form of government, the municipal charter determines how a zoning ordinance is to be adopted or amended, although a public hearing on any amendment must be held before adoption
 - Any time of the year
- The planning board must hold at least one public hearing according to **RSA 675:7-**
 - Pay attention to the Zoning Amendment calendars to make sure you have enough time to hold additional public hearings if necessary



What is a Zoning Amendment?

Zoning Amendment: any change to the zoning ordinance including language, table, graphics, or maps, approved by the legislative body. (Town Meeting, Town Council, City Council).

Cities and towns with town councils can adopt zoning amendments any time of year (***RSA 675:2***)

Non-town council towns and village districts can only adopt zoning amendments once a year by ballot at their annual meeting (***RSA 675:3***)

ZONING AMENDMENTS	
Warrant Article 2: Amendment #1: Are you in favor of the adoption of Amendment No. 1 as proposed by the Planning Board for the Farmington Zoning Ordinance as follows: To clarify that residential development on a lot must be within the minimum contiguous buildable area; and general textual clarifications to Table 2.01(B)?	YES ☒ 295 NO ☒ 83
Warrant Article 3: Amendment #2: Are you in favor of the adoption of Amendment No. 2 as proposed by the Planning Board for the Farmington Zoning Ordinance as follows: To increase the maximum density for duplex and multi-family housing; clarify density bonus criteria for those properties connected to water or sewer; clarify that residential development on a lot must be within the minimum contiguous buildable area; and general textual clarifications to Table 2.02(B)?	YES ☒ 241 NO ☒ 144
Warrant Article 4: Amendment #3: Are you in favor of the adoption of Amendment No. 3 as proposed by the Planning Board for the Farmington Zoning Ordinance as follows: To add density bonus criteria for those properties connected to water or sewer; clarify that residential development on a lot must be within the minimum contiguous buildable area; and general textual clarifications to Table 2.03(B)?	YES ☒ 261 NO ☒ 116
Warrant Article 5: Amendment #4: Are you in favor of the adoption of Amendment No. 4 as proposed by the Planning Board for the Farmington Zoning Ordinance as follows: To set the maximum density for single family residential at one dwelling unit per 30,000 square feet; increase the maximum density per dwelling unit for duplex (15,000 square feet), multi-family (10,000 square feet), and mixed-use (5,000 square feet) units; amend the minimum lot size to 30,000 square feet; add density bonus criteria for those properties connected to water or sewer; and general textual clarifications to Table 2.04(B)?	YES ☒ 242 NO ☒ 129
Warrant Article 6: Amendment #5: Are you in favor of the adoption of Amendment No. 5 as proposed by the Planning Board for the Farmington Zoning Ordinance as follows: To amend the maximum density per dwelling unit for single family (8,000 square feet), duplex (4,000 square feet), and multi-family (2,500 square feet) units; amend residential development restrictions on specific streets; and general textual clarifications to Table 2.05(B)?	YES ☒ 238 NO ☒ 129
Warrant Article 7: Amendment #6: Are you in favor of the adoption of Amendment No. 6 as proposed by the Planning Board for the Farmington Zoning Ordinance as follows: To amend the maximum density for mixed-used developments and to set a minimum unit size (750 square feet)?	YES ☒ 239 NO ☒ 129
Warrant Article 8: Amendment #7: Are you in favor of the adoption of Amendment No. 7 as proposed by the Planning Board for the Farmington Zoning Ordinance as follows: To allow for a duplex to be built on land subdivided using the rear lot provision in all residential zoning districts except for the Agricultural Residential District?	YES ☒ 229 NO ☒ 145

What is a Zoning Amendment?

The planning board (**RSA 674:1, V**)

The governing body (**RSA 675:3, VIII**)

- The board of selectmen, village district commission, city or town council all have the authority to propose zoning amendments

Petitioned Zoning Amendment (**RSA 675:4**)

- 25 or more registered voters may petition for an amendment to a zoning ordinance

Zoning amendment language

- Correct format! Review with Town Clerk!
- PB support or not
- Reason or justification statement along with the amendment
- Governing Body and Petitioned amendment language can't be changed!



Petitioned Zoning Amendments

- 25 registered voters can petition to amend or repeal a provision of the zoning ordinance
- Petitioned zoning amendments must be received between 120 and 90 days before town meeting (the 2nd Tuesday in March, April or May)
- Petitions are submitted to the governing body who forward to planning board
- At first planning board meeting after the petition period the board shall set the date for the public hearing on the petition
- Petitioned amendments cannot be altered by planning board, but the board shall state if it approves/supports or disapproves/not support on the ballot

Public Hearing Requirements (675:7)

- 10 calendar day notice (excluding day of posting and hearing) before public hearing shall be posted in 2 public places in municipality
- Notice also published in newspaper of general circulation in municipality, or, in the alternative posted on home page of town's website
- Any person owning property in municipality can request notice of all public hearings of zoning amendments, and such notice must be provided electronically or by 1st class mail at no cost to recipient
- Full text of the amendment not required provided the notice adequately describes the amendment and states a place where the full text is on file for public inspection.
- After the public hearing, the planning board shall vote to determine the final form of the amendment to be presented to the town which may include editorial revisions and textual modifications resulting from the public hearing (**RSA 675:3, III**)
 - Can vote to not recommend passage, but can't withdraw amendment



Notification & Mailing Requirements

- Does amendment change boundary of zoning district that affects 100 or fewer properties (**RSA 675:7,I-a**)?
If yes, notice of the public hearing must be mailed to the owners of each affected property
- Does amendment change minimum lot sizes or permitted uses in a zoning district that has 100 or fewer properties (**RSA 675:7,I-a**)?
If yes, notice must be mailed to the owner of each property in the district
- Notice must be sent by 1st Class mail to the address used for property tax bills
- In the case of petitioned zoning amendments, the petitioner must pay for the cost of notice required under **RSA 675:7, I-b**

Zoning Amendment Ballot Requirements (675:3)

- The municipal clerk, with assistance from the planning board or staff, prepares the question for the ballot:

“Are you in favor of the adoption of the amendment to the town zoning ordinance as proposed by the planning board” as follows: (insert topical description of amendment)?”

The Planning Board supports this amendment 6-0 OR

The Planning Board recommends this amendment

- Regardless of whether town has adopted an official ballot (SB2), zoning amendments should be on a separate ballot from ballot for election of town or village district officers **(RSA 675:3,VII)**
- An official copy of the final proposal to amend the zoning ordinance shall be placed on file and made available to the public at the municipal clerk's office no later than the fifth Tuesday prior to the date when action is to be taken.

**Zoning amendments cannot be amended after
the final public hearing.**

A Few Final Thoughts

- Site plan and subdivision regulations can be amended by the PB at any time of year
- Be aware of state statute changes, which may require you to amend your zoning ordinance to comply with
- Zoning ordinances are meant to be ever evolving to reflect the changing needs of the community and protection of health, safety, and general welfare.
- Reach out to local, seasoned developers to ground truth the impact a proposed zoning change may have on a project penciling out.
- **You can never do too much education and community engagement to help dispel misinformation about the impact of proposed zoning amendments!**
- Don't expect change overnight!

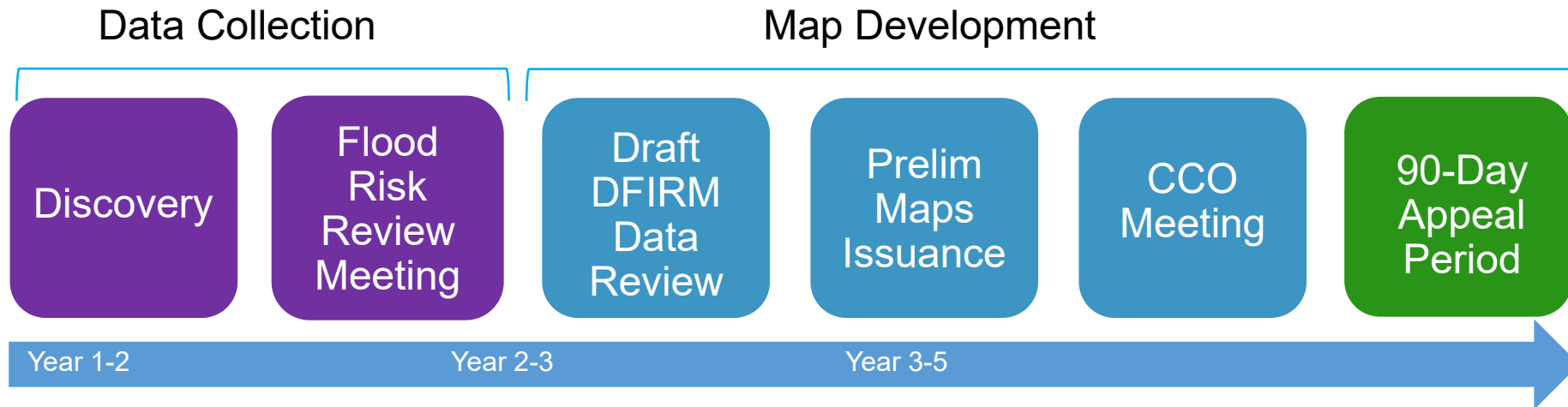
Resources

- OPD Website
 - ▶ Planning and Zoning Training
 - ▶ Zoning Amendment Calendars – 2027 calendars
 - ▶ Municipal Land Use Regulation Survey – 2025 data will be published in Fall 2026
- August 20th PLAN Webinar: Changes to Planning, Zoning, and Building Code Laws in 2026
 - ▶ Slides
 - ▶ Recording
- July 16th PLAN Webinar: It's Zoning Amendment Time - 2026 Edition.
 - ▶ Slides
 - ▶ Recording
- Best Practices or Tips for getting through the Zoning Amendment Process
- RSA 675 – Enactment and Adoption Procedures

Floodplain Ordinances: Adopting New FEMA Floodplain Maps

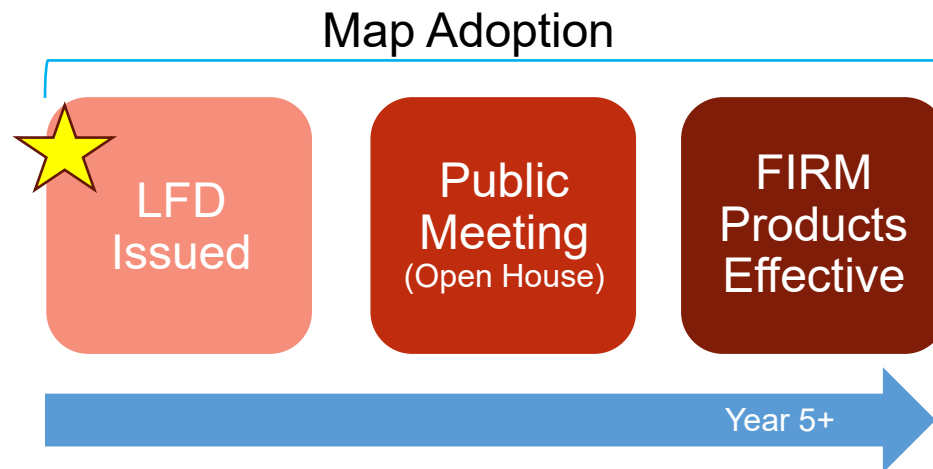


FEMA Risk Mapping Process



!! Starts a 6-month clock
!!

Floodplain ordinances must be updated and new maps adopted within 6 months.



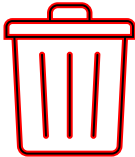
NFIP Compliance

- Community is meeting their responsibilities such as:
 - Issuing or denying floodplain development permits
 - Inspecting all development to assure compliance with the local ordinance
 - **Assisting in the preparation and revision of floodplain maps**
- Regulations are updated with the minimum NFIP language, including:
 - Adoption of necessary revisions
 - Reference to correct floodplain maps

Common Ordinance Revisions



- Missing NFIP regulation language



- Removing outdated information



- Updating FEMA map date references

Suspension

- NFIP flood insurance policies cannot be purchased or renewed
- Federal grants not available for development/disaster recovery
- If suspended and then reapply, address any floodplain development that occurred after suspension
(per [44 CFR 59.24\(f\)](#))

[Join the NFIP - NH Economy](#) – see FAQs on this webpage; #4 is consequences of suspension

FEMA Flood Map Service Center

- Flood Insurance Study (FIS) Report and Flood Insurance Rate Map (FIRM)
- New FIS Report overrides the old one
- Multiple FIRM dates may apply

FEMA Flood Map Service Center

FLOOD INSURANCE STUDY FEDERAL EMERGENCY MANAGEMENT AGENCY

VOLUME 1 OF 4



**MERRIMACK COUNTY,
NEW HAMPSHIRE**
(ALL JURISDICTIONS)

COMMUNITY NAME	NUMBER	COMMUNITY NAME	NUMBER
ALLENSTOWN, TOWN OF	330103	NORTHFIELD, TOWN OF	330118
ANDOVER, TOWN OF	330104	PEMBROKE, TOWN OF	330119
BOSCAWEN, TOWN OF	330105	PITTSFIELD, TOWN OF	330120
BOW, TOWN OF	330107	SALISBURY, TOWN OF	330121
BRADFORD, TOWN OF	330106	SUTTON, TOWN OF	330122
CANTERBURY, TOWN OF	330108	WARNER, TOWN OF	330123
CHICHESTER, TOWN OF	330109	WEBSTER, TOWN OF	330236
CONCORD, CITY OF	330110	WILMOT, TOWN OF	330124
DANBURY, TOWN OF	330111		
DUNBARTON, TOWN OF	330202		
EPSOM, TOWN OF	330112		
FRANKLIN, CITY OF	330113		
HENNIKER, TOWN OF	330114		
HILL, TOWN OF	330214		
HOOKSETT, TOWN OF	330115		
HOPKINTON, TOWN OF	330116		
LOUDON, TOWN OF	330117		
NEW LONDON, TOWN OF	330230		
NEWBURY, TOWN OF	330226		

**REVISED:
JANUARY 23, 2026**

FLOOD INSURANCE STUDY NUMBER
33013CV001B
Version Number 2.6.3.6



FEMA

BEA

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

Example Ordinance Language

- Must reference new **FIS**, and **FIRM** dates
- In this example, the FIS & FIRM dates are both **6/10/26**
- *If your community falls within two or more watersheds, there may be multiple FIS and FIRM dates to reference.*

The following regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency [FEMA] in its "Flood Insurance Study for the county of the New Hampshire" dated June 10, 2026 as amended, together with the associated Flood Insurance Rate Maps of the Town of _____ dated June 10, 2026 and or as amended, which are declared to be a part of this ordinance and are hereby incorporated by reference.

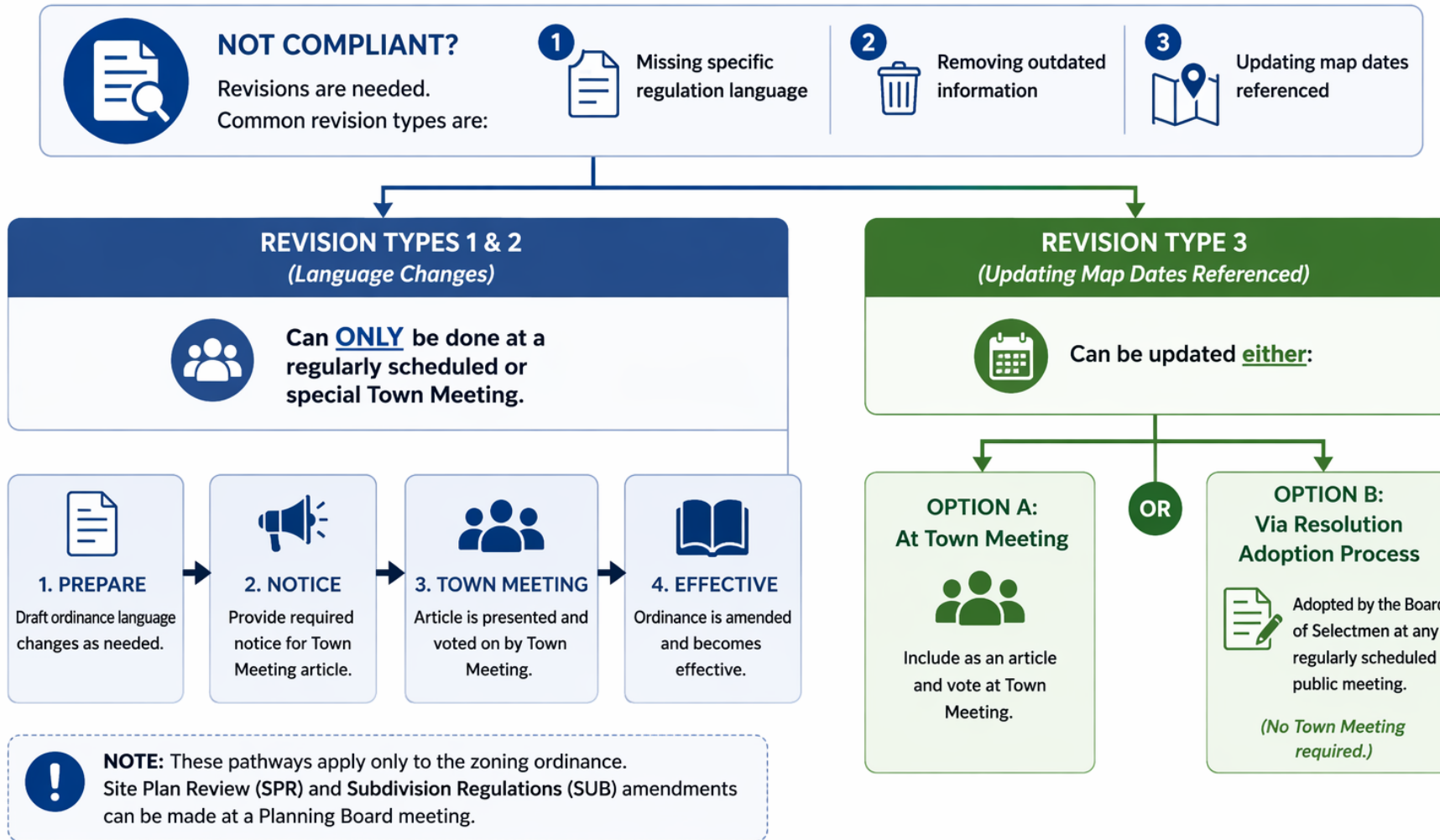
Example Ordinance Language

“...**or as amended**...” refers to revisions of existing maps, not a new set of maps.

The following regulations shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency [FEMA] in its “Flood Insurance Study for the county of the New Hampshire” dated June 10, 2026 as amended, together with the associated Flood Insurance Rate Maps of the Town of dated June 10, 2026 and **or as amended**, which are declared to be a part of this ordinance and are hereby incorporated by reference.

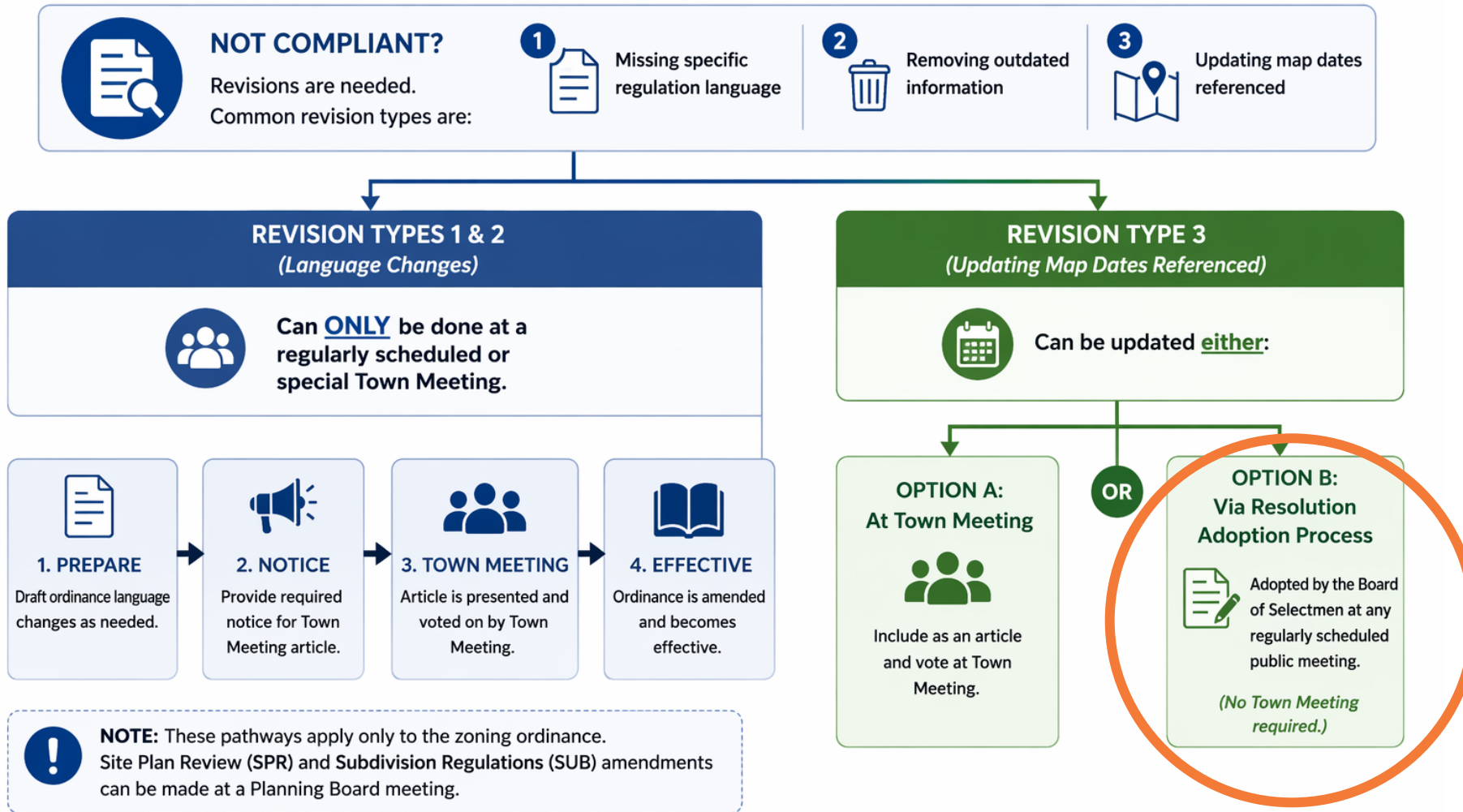
ZONING ORDINANCE REVISION PATHWAYS

Applies when NFIP compliance review finds the zoning ordinance is **NOT** compliant.



ZONING ORDINANCE REVISION PATHWAYS

Applies when NFIP compliance review finds the zoning ordinance is **NOT** compliant.



Resolution Adoption Process

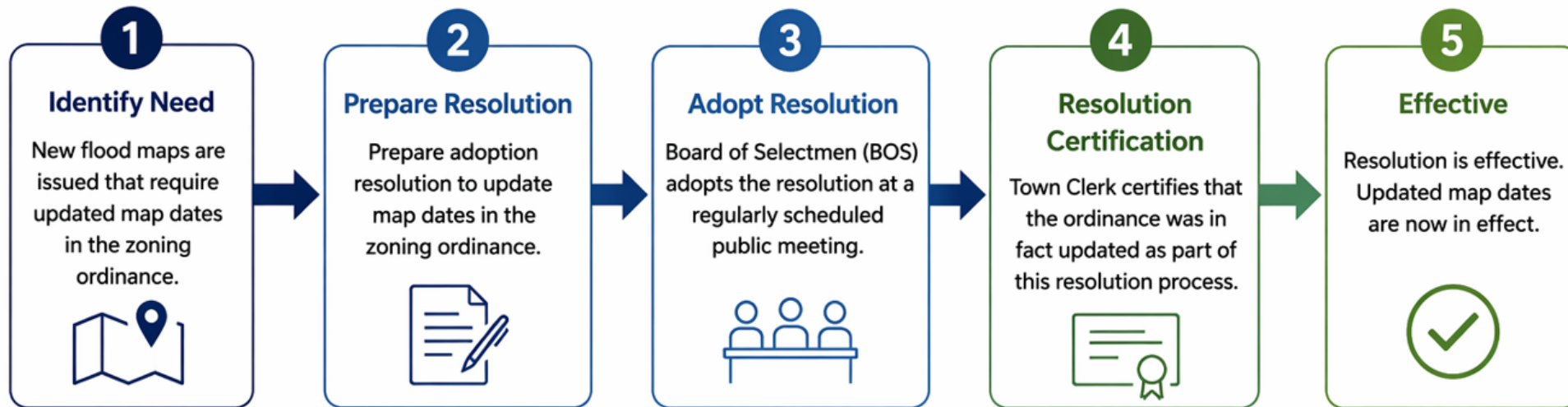
RSA 674:57 - Flood Insurance Rate Maps.

In a municipality which has enrolled in the National Flood Insurance Program (NFIP), special flood hazard areas shall be as designated on flood insurance rate maps issued by the Federal Emergency Management Agency. Amendments to the flood insurance rate maps shall apply to local floodplain ordinances upon their adoption by resolution of the local governing body of a municipality and shall require no further action by the local legislative body. Map amendments are subject to appeal by owners and lessees of affected real property under [44 C.F.R. 67.5](#).

Source. 2006, 176:2, eff. May 25, 2006.

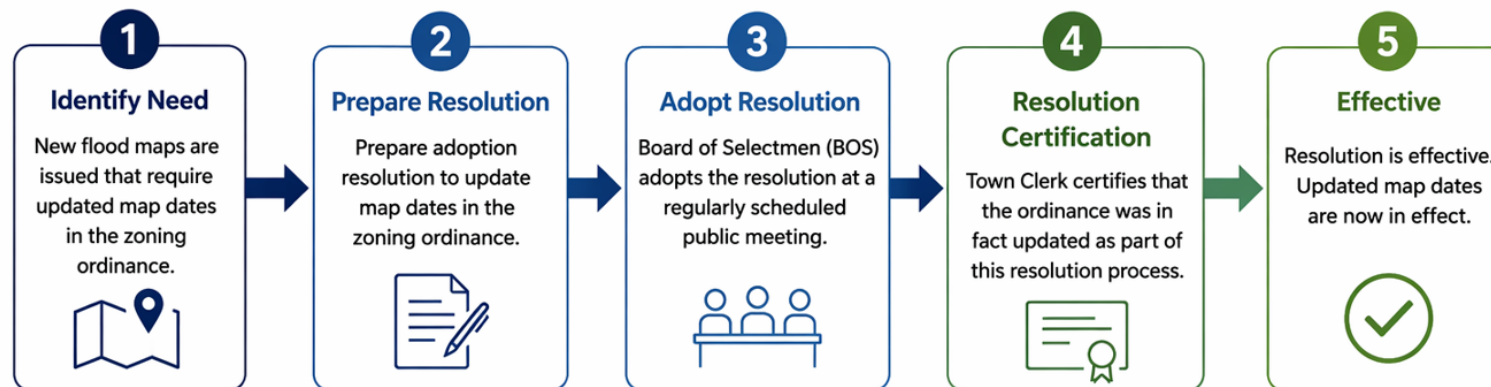
[Section 674:57 Flood Insurance Rate Maps.](#)

Resolution Adoption Process



Resolution Adoption Process Resources

1. **Identify Need:** Review FEMA Flood Map Service Center. BEA will notify you when LFD (new map dates) are released by FEMA.
2. **Prepare Resolution:** Resolution Template (reach out to BEA for a copy)
3. **Adopt Resolution** at BOS meeting
4. **Resolution Certification:** Ordinance Certification Template (reach out to BEA for a copy) and return signed certification to BEA ***required**



Resolution Language Template

- **Purpose:** allows a community to revise the FIS/FIRM dates during Select Board meeting.
- **Requires Select Board Signatures**

Resolution to Adopt New FEMA Flood Insurance Study (FIS) Report and Flood Insurance Rate Maps (FIRMs)

Pursuant to RSA 674:57, by resolution of the Select Board, all land designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study for the County of Hillsborough, NH dated **June 10, 2026** together with the associated Flood Insurance Rate Map Panels dated **June 10, 2026 and September 25, 2009**, or as amended, which are declared to be part of the Town of *(insert town name)*'s Zoning Ordinance and are hereby incorporated by reference.

Select Board Signatures:

(print name), Chair

Date

(print name), title

Date

(print name), title

Date

Ordinance Certification

- **Purpose:** Confirmation that the ordinance was updated as part of the resolution process
- **Requires:**
 1. Town Clerk Signature
 2. Date of approval by the BOS

Insert town letterhead

Floodplain Ordinance

I, (insert name and title), hereby certify that the attached is a true copy of the (insert Town name) floodplain ordinance which includes reference to the Flood Insurance Rate Maps adopted by the Board of Selectmen on (insert date of approval).

Attest:

Signature of Town Clerk Date

Town Clerk
Seal / Stamp

Resolution Process Takeaways

- Typically for towns that **only** have town meeting **once** a year
- Utilized when no other amendments to the floodplain ordinance are needed except FIS/FIRM date references **OR** if LFD is announced too close to Town Meeting.
- Can be done by Board of Selectmen (BOS) during regularly scheduled BOS public meeting. Does not need to go to Town Meeting. Public hearing is **NOT** required.
- **Must be certified** to confirm that the ordinance was in fact updated.

1

Identify Need

New flood maps are issued that require updated map dates in the zoning ordinance.



2

Prepare Resolution

Prepare adoption resolution to update map dates in the zoning ordinance.



3

Adopt Resolution

Board of Selectmen (BOS) adopts the resolution at a regularly scheduled public meeting.



4

Resolution Certification

Town Clerk certifies that the ordinance was in fact updated as part of this resolution process.



5

Effective

Resolution is effective. Updated map dates are now in effect.



Contact Information and Resources

Principal Planners
BEA Office of Planning & Development

Noah Hodgetts
noah.d.hodgetts@livefree.nh.gov
603-271-2157

Peter Federico
peter.g.federico@livefree.nh.gov
603-271-1755

Stephanie Frechette
stephanie.h.frechette@livefree.nh.gov
603-271-6352

Resources:

- [OPD website](#)
- [Floodplain Management Quarterly Newsletter Signup](#)
- [OPD Training List Signup: planning@livefree.nh.gov](#)
- [OPD YouTube Channel](#)

Upcoming Events:

- [10/27: Floodplain Basics for Local Officials](#)
- 11/19: Strategies for Communities to Become More Childcare Friendly