

CHAPTER	IMPACTED PAGE #S	DESCRIPTION OF CHANGE
Global Changes	All	Year references on the cover page and in the footer. Updated links throughout.
Chapter I <i>Organization</i>	I-8	Addition of information under “Rules of Procedure” 1st paragraph: The rules of procedure shall be adopted at a regular meeting of the board, and NH OPD suggests amending rules as part of a public hearing. Rules of procedure shall be placed on file with the town clerk for public inspection. <u>The rules of procedure should be available on the municipalities’ website.</u>
Chapter I <i>Organization</i>	I-9	Addition of information under “Election of Officers” last paragraph: A board may want to consider electing a vice-chair who shall preside over meetings and assume the duties of the chair in his/her absence. If the vice-chair is also absent, then the secretary shall assume the chair’s duties. <u>Another officer to consider for the board to elect is a secretary. The secretary can serve in the role of chair or vice chair when necessary as well as assist the board with organizing applications, minutes, decisions, and correspondence.</u>
Chapter I <i>Organization</i>	I-10	RSA change and addition of information under “Development of Regional Impact” 1st and last paragraphs: All local land use boards are required to determine whether an application before it is a “development of regional impact” (RSA 36: 54 56). <u>If there is uncertainty on whether to declare a project as a development of regional impact, RSA 36:56, I clearly states, “Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.”</u>
Chapter II <i>Non-Regulatory Functions</i>	II-5	Addition of information under Master Plan “Adoption and Amendments” annual review of the master plan 2nd paragraph to last: <u>An annual review of the master plan is recommended and can be done in conjunction with drafting of zoning amendments as well as annual budget/CIP preparation.</u>
Chapter III <i>Regulatory Functions</i>	III-12	Addition of information under Earth Excavations “Application for the Permit (RSA 155-E:3)” box: Be aware that the public hearing notification process for earth excavations is different from other public hearing notifications for planning board applications or zoning amendments. <u>Also, be aware the time frame to file a motion for a rehearing is 10 days after the original decision is made.</u>
Chapter III <i>Regulatory Functions</i>	III-15	Legislative-related addition under “State Minimum Driveway Standards” starting with the 2nd paragraph: <u>In 2023 RSA 153:5, the fire code statute, was amended. RSA 153:3 states in part “the provisions of the state fire code and associated rules shall not supersede the authority of local land use boards under planning and zoning provisions of Title LXIV of the RSA to regulate and permit driveway access, when not governed by RSA 236:13, for detached one or two-family dwelling units in a structure used only for residential purposes, and provided that minimum driveway width shall not be less than 12 feet for driveways over 150 feet in length.”</u> <u>The intent of the legislature was to avoid situations where the planning board approves a plan, construction starts, and then an issue arises with the fire code.</u> <u>RSA 153:3 continues, “Before issuing the approval, the local land use boards shall</u>

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		<p><u>give due consideration to any written recommendations of the municipal fire chief regarding fire department access, to include width, vertical clearance, grade, suitability of road surface, bridges, dead-ends, and the ability to pass and turn around once in the driveway.”</u></p> <p><u>In communities that have a Technical Review Committee (TRC), the consideration of written recommendations of the municipal fire chief can be satisfied through the TRC process. In communities that don’t have a TRC, these written recommendations can be brought forward for due consideration during the public hearing (if required) and/or included in the staff report to a Planning Board about an application.</u></p>
<p>Chapter IV</p> <p><i>Innovative Land Use Controls (RSA 674:21)</i></p>	<p>IV-21</p>	<p>RSA addition under “Dark Skies Lighting Ordinance”:</p> <p>The purpose of a Dark Skies Lighting Ordinance is to lessen the impact of light pollution, to reduce the effects of unnatural lighting on the environment, and to reduce energy usage <u>pursuant to RSA 9-E:3</u>. There are a number of existing examples of these lighting ordinances throughout the country.</p>
<p>Chapter V</p> <p><i>Application, Submission, and Review Procedures</i></p>	<p>V-14</p>	<p>Legislative-related addition under “Nonpublic Sessions” last paragraph:</p> <p><u>In 2023, paragraph IV was added to RSA 91-A:3, requiring public bodies to either develop their own process to review minutes or to follow a statutorily created process. Either way, public bodies are required to review all nonpublic minutes that were previously sealed and determine whether the circumstances that justified keeping meeting minutes from the public under RSA 91-A:3, III no longer apply. That review process must take place within 10 years of the effective date of HB 321, October 3, 2023. Meeting minutes that were kept from the public that are not reviewed by the public body or agency on or before October 3, 2033 shall be subject to public disclosure without further action of the public body.</u></p>
	<p>V-17</p>	<p>Legislative-related revision under the Decision section “Conditional Approval” Conditions Precedent bullet point:</p> <ul style="list-style-type: none"> ▪ Conditions precedent are conditions that must be fulfilled <u>before</u> the planning board may give final approval to an application, such as receiving state permits, obtaining bonds for construction (<u>provided for subdivisions, road and utility construction can begin without a bond</u>), and making revisions to the plans.
	<p>V-19</p>	<p>Legislative-related revision and addition under the Decision section “Posting of Bond or Other Surety” 4th and 5th paragraphs:</p> <p>RSA 674:36, III(b) prohibits a planning board from specifying cash or a passbook as the only types of acceptable credit <u>security</u>. In addition, the municipality must allow partial release of the security as phases or portions of the improvements are completed and approved by the planning board. The security agreement should define the phases included and establish reasonable costs for each phase. In this situation, it is important for the municipality to provide for an inspection to be sure each phase of work is completed as the applicant requests release (and such inspection may be appropriate for a third party reviewer).</p> <p><u>In 2023, several changes were made to RSA 674:36, III and IV relative to performance bonding:</u></p> <ul style="list-style-type: none"> • <u>A planning board must allow at least two forms of security including a letter of credit, cash, or passbook. No forfeiture or automatic call bonds are allowed to be required by the planning board.</u> • <u>Cost escalation factors applied by the planning board are now allowed to</u>

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		<p><u>be up to 15 percent per year. However, no cost increases are allowed for engineering, administration, or other non-construction reasons.</u></p> <ul style="list-style-type: none"> <u>A planning board must allow road and utility construction to start without a bond, however, a bond for infrastructure, including roads and utilities, must be in place prior to sale of any parcel or an application for a building permit for structures. Planning boards who would like to guard against incomplete infrastructure that is not bonded still have the option to require an on-site engineer to inspect infrastructure construction.</u> <u>Partial releases of securities are prescribed “when substantial improvements are made” during the course of project building. If an inspection is required by the municipality for release of a bond, it must be completed within 30 business days of written request delivered by hand or sent by courier. Notification by the municipality of non-compliance shall be sent within 15 business days of the inspection to the bonded party. Any fix must be completed within 30 days of receipt of notification, and reinspection must occur within 15 business days of notification that the fix has occurred. Such inspections may be appropriate for a third-party reviewer. All bonds shall be released within 90 days of final sign off.</u>
<p>Chapter VI</p> <p><i>Working with Other Boards and Organizations</i></p>	<p>VI-2</p>	<p>Legislative-related addition under Zoning Board of Adjustment “Joint Meetings” last paragraph:</p> <p><u>Enacted in 2023, RSA 292:8-m requires a municipality whose land use board approved the existence of a homeowner’s association to hold a hearing before the approving land use board pursuant to RSA 676:2 before it can be dissolved. As a homeowner’s association is not a municipal land use board, RSA 292:8-m overrides the local land use board’s authority to decline the invitation for a joint meeting. All other statutory requirements of RSA 676:2 relative to conducting such a hearing or noticing it would still apply.</u></p>
<p>APPENDIX C:</p> <p><i>Suggested Rules of Procedure for Planning Boards</i></p>	<p>C-7</p>	<p>Legislative-related addition to Appendix C under “Joint Meetings and Hearings” number 2 and consecutive renumbering of the list.</p> <p><u>2. The Planning Board shall hold joint meetings and hearings with a homeowners’ association approved by the Planning Board as a condition to a subdivision approval, when the latter requests such a hearing to approve its action to dissolve (RSA 292:8-m). Conducting and noticing such hearings should be done according to all the requirements of RSA 676:2.</u></p>
<p>APPENDIX C:</p> <p><i>Suggested Rules of Procedure</i></p>	<p>C-7</p>	<p>Addition to the “Amendment” section, last paragraph:</p> <p><u>Practice Pointer - OPD recommends that you review board Rules Of Procedure with the municipal attorney before finalizing them. OPD also recommends that the board hold at least one public hearing before the board formally adopts the rules.</u></p>
<p>APPENDIX D:</p> <p><i>Checklists</i></p>	<p>D-3</p>	<p>Addition to the “Checklist for Subdivision and site plan Review” section, last paragraph:</p> <p><u>Practice Pointer: OPD strongly recommends that any creation or amendments to the site plan and / or subdivision checklists be reviewed with the municipal attorney before formal adoption.</u></p>

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<p>APPENDIX E:</p> <p><i>Criteria for Determining Regional Impact</i></p>	E-1	<p>Addition to the “Criteria for Determining Regional Impact” section, last paragraph:</p> <p><u>Practice Pointer: The RSAs REQUIRE planning boards to declare an application as a development of regional impact when there is doubt on whether the application should be designated as a development of regional impact. “When in doubt-don’t!” Meaning if the board is not sure to declare a development of regional impact, declare it and review with the municipal attorney.</u></p>
<p>APPENDIX F:</p> <p><i>Procedure for Application Review (RSA 676:4)</i></p>	F-2	<p>Revision under the “Procedure for Application Review” to the note at the end:</p> <p>NOTE: The public hearing may take place on the same evening as the application <u>is accepted</u> as complete, provided the notice has advised of the possibility. This is typically only advisable for minor or technical subdivisions.</p>
<p>APPENDIX G:</p> <p><i>How to be a Good Board Member</i></p>	G-1	<p>Deletion in the preface paragraph:</p> <p>You can start with The Riggins Rules appearing in the Winter 1994/Number 13 Planning Commissioners Journal. They were written by Fred Riggins, former Chairman of the Phoenix Planning Commission, in 1967 as “Suggested Do’s and Don’ts for the Conduct of Public Hearings and the Department of Members of Boards, Commissions, & Other Bodies.” Bev Moody, a veteran of 26 years with the City of Phoenix Planning Department, notes that the do’s and don’ts were retitled as “The Riggins Rules” in recognition of his many years of service on the Planning Commission and have been left in the original crusty, no-nonsense style of Fred Riggins himself. The rules do not follow the principles of non-sexist language that prevail today and asks readers to forgive that he was raised and wrote these in less sensitive times, but that does not detract from the good advice he offers.</p>