Basics for the Planning Board

Stephen C. Buckley, Esquire
Legal Services Counsel
Statutory Duties of Planning Board
Master Plan
Master Plan, mandatory sections
Master Plan, optional sections
Capital Improvements Program

- Aid with budgeting decisions
- Not a basis to deny subdivision application
- Prerequisite for:
  - Impact fees
  - Growth Management
Planning Board Basic Organization
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 5th Tuesday before town meeting
✓ Petitioned Amendments RSA 675:4, Planning Board states approval or disapproval on ballot.
Subdivision/Site Plan Applications: Preliminary Review
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.
Only One Bite of the Apple
Third Party Consultants
“Grandfather Rights”
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
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
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.
CONSULTATION WITH LEGAL COUNSEL

- Counsel must be present.
- Conference call - contemporaneous dialogue.
- Ettinger v. Town of Madison Planning Board, 162 NH 785 (2011)
Superior Court Appeal – RSA 677:15
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.