The Planning Board in New Hampshire

A Handbook for Local Officials
TABLE OF CONTENTS

CHAPTER I: ORGANIZATION ........................................................................................................... I-1
   Establishing the Board ................................................................................................................ I-1
   Appointment and Number of Board Members ........................................................................... I-1
   Vacancies in Membership ........................................................................................................... I-1
   Terms of Board Members ........................................................................................................... I-2
   Alternate Members ..................................................................................................................... I-2
   Planning Board Members Serving on Other Boards ................................................................. I-3
   Removal of Members .................................................................................................................. I-3
   Disqualification of Members ...................................................................................................... I-4
   Abolition of Planning Board ....................................................................................................... I-5
   Access to Public Records and Meetings .................................................................................... I-6
   The Right-to-Know Law ............................................................................................................. I-7
   Rules of Procedure ................................................................................................................... I-8
   Election of Officers .................................................................................................................... I-8
   Planning Board Records ........................................................................................................... I-9
   How to Run a Meeting ............................................................................................................... I-9
   Development of Regional Impact .............................................................................................. I-10
   Site Visits .................................................................................................................................. I-11

CHAPTER II: NON-REGULATORY FUNCTIONS ............................................................................. II-1
   The Master Plan .......................................................................................................................... II-1
   What is a Master Plan? ............................................................................................................... II-1
   Why Have a Master Plan? .......................................................................................................... II-1
   Characteristics and Elements of a Master Plan ......................................................................... II-2
   Adoption and Amendments ....................................................................................................... II-4
   Master Plan Preparation ............................................................................................................ II-5
   The Capital Improvements Program ......................................................................................... II-6
   Relationship of CIP Adoption to Land Use Regulations ........................................................... II-7

CHAPTER III: REGULATORY FUNCTIONS .................................................................................. III-1
   Purpose of Subdivision Regulations (RSA 674:35) ................................................................. III-1
   Purpose of Site Plan Review Regulations (RSA 674:43) ........................................................ II-1
   Steps to Allow the Regulation of Subdivisions and Site Plan Review ..................................... III-2
   Process for the Amendment of Subdivision and Site Plan Review Regulations ...................... III-2
   Status of Plats after Adoption of Subdivision and Site Plan Review Regulations .................... III-6
   Zoning Ordinance ..................................................................................................................... III-7
   Zoning Amendment Procedures ............................................................................................... III-8
   Notice Requirements ................................................................................................................ III-8
   Earth Excavations ....................................................................................................................... III-9
   Driveway Regulations (RSA 236:13) ........................................................................................ III-10
   State Minimum Driveway Standards ......................................................................................... III-13

CHAPTER IV: INNOVATIVE LAND USE CONTROLS (RSA 674:21) ........................................ IV-1
   Timing and Phased Development ............................................................................................... IV-1
   Intensity and Use Incentive ........................................................................................................ IV-1
   Transfer of Density Rights ........................................................................................................ IV-2
   Planned Unit Development ......................................................................................................... IV-2
   Open Space, Cluster, and Conservation Subdivision ............................................................... IV-2
Performance Standards ................................................................. IV-2
Environmental Characteristics Zoning ........................................ IV-2
Inclusionary Zoning ................................................................... IV-3
Accessory Dwelling Unit Standards ............................................ IV-3
Impact Fees .............................................................................. IV-3
Village Plan Alternative Subdivision ........................................... IV-3
Integrated Land Development Permit ....................................... IV-4
Other Innovative Land Use Controls ......................................... IV-4
Ridgeline and Steep Slope Development .................................... IV-4
Habitat Protection .................................................................... IV-4
Infill Development .................................................................... IV-5
Agricultural Incentive Zoning .................................................... IV-5
Minimum Impact Development (Site Scale) ............................... IV-5
Energy-Efficient Development ................................................... IV-5
Transit-Oriented Development ................................................... IV-5
Livable/Walkable Development Design ..................................... IV-6
Other Planning and Development Techniques ........................ IV-6
Access Management .................................................................. IV-6
Dark Skies Lighting Ordinance ................................................ IV-6
Growth Boundaries ................................................................... IV-6
Growth Management ................................................................ IV-6
Workforce Housing .................................................................. IV-7

CHAPTER V: APPLICATION, SUBMISSION & REVIEW PROCEDURES ........................................... V-1

Pre-Application Review .............................................................. V-1
Step 1: Conceptual Consultation (RSA 676:4, II(a), (c)) ............... V-2
Step 2: Design Review (RSA 676:4, II(b), (c)) ............................ V-2
Required Review ..................................................................... V-4
Step 1: File the Application (RSA 676:4, I(b)) ............................. V-5
Completed Application .............................................................. V-5
Completeness Review ............................................................... V-7
Step 2: Notice of public hearing (RSA 676:4, I(d)) ....................... V-8
Step 3: Submission and Acceptance (RSA 676:4, I(b)) .............. V-10
Step 4: Public Hearing (RSA 676:4, I(d)) ................................. V-11
Step 5: Formal Consideration (RSA 676:4, I(c)) ....................... V-12
Step 6: The Decision (RSA 676:4, I) ........................................ V-13
Step 7: Failure to Act (RSA 676:4, I(c)) .................................... V-18
Step 8: Recording the Plat (RSA 676:16) ................................. V-18
Appeals (RSA 677:15) .............................................................. V-19
Enforcement ............................................................................ V-20
“Grandfathered” Application (667:12, VI) ................................. V-20
Statutory Vesting (RSA 674:39) ................................................ V-21
Minor Subdivisions (RSA 676:4, III) ....................................... V-21
Technical Review ...................................................................... V-23
Municipal Plans, Ordinances and Regulations .......................... V-24
Master Plan .............................................................................. V-24
Capital Improvements Plan/Capital Budget .............................. V-25
Zoning Ordinance ................................................................. V-25
Soil Based Lot Sizing .............................................................. V-29
Water Table ............................................................................ V-29
Stormwater Management (Drainage) ....................................... V-30
Alteration of Terrain .............................................................. V-32
Layout of Streets, Utilities, and Lots ............................................................................. V-33

CHAPTER VI: WORKING WITH OTHER BOARDS & ORGANIZATIONS .................... VI-1

Zoning Board of Adjustment and Joint Meetings.................................................. VI-1
Board of Selectmen ......................................................................................... VI-2
Historic District Commission/Heritage Commission .................................. VI-3
Conservation Commission ......................................................................... VI-3
Agricultural Commissions (RSA 673:4-b; 674:44-e-g) ........................................ VI-4
Housing Commissions (RSA 673:4-c; RSA 674:44-h-j) ............................. VI-4
Regional Planning Commissions and Regional Plans ................................ VI-5
New Hampshire Office of Strategic Initiatives ........................................ VI-5
The State Development Plan ......................................................................... VI-5
The Scenic and Cultural Byways Council .................................................. VI-6

EXHIBITS

Exhibit V-1  Site Location Map ............................................................................... V-3
Exhibit V-2a  Potential for Re-subdivision .......................................................... V-24
Exhibit V-2b  Re-subdivided .............................................................................. V-24
Exhibit V-3  Future Land Use Map .................................................................... V-25
Exhibit V-4  Zoning Map .................................................................................... V-26
Exhibit V-5  Adapting Site with High Water Table ........................................ V-30
Exhibit V-6  Layout of Roads and Lots ............................................................ V-34

APPENDICES

Appendix A: Sources of Assistance ................................................................. A-1
Appendix B: Public Notices for Subdivision and Site Plan Review ............... B-1
Appendix C: Suggested Rules of Procedure for Planning Boards .............. C-1
Appendix D: Checklists .................................................................................... D-1
Appendix E: Criteria for Determining Regional Impact ............................... E-1
Appendix F: Procedure for Application Review (RSA 676:4) ..................... F-1
Appendix G: How to be a Good Board Member ........................................... G-1
Preface

The New Hampshire Office of Strategic Initiatives (OSI) – formerly the Office of Energy and Planning – consists of the Energy and the Planning Divisions. The Energy Division provides information, data and guidance to assist decision-makers on energy issues pertaining to energy efficiency, renewable energy, energy use and resiliency. In part, the Planning Division addresses planning issues related to development, land protection, floodplain management, and community planning. We guide the State’s future growth through programs, public policy development, education and outreach, research, and partnership building.

Introduction to the Planning Board in New Hampshire

What is a Planning Board? The planning board is an organized group of selected members of a community in charge of carrying out the future needs, wants, and vision of a community. This is accomplished through the planning board’s regulatory and non-regulatory functions, which include the creation of regulations (Regulatory Function) and the review of development applications (Non-Regulatory Function). This handbook is a guide to the organization, powers, duties, and procedures of the planning board. It includes statutory changes enacted through the current legislative session and electronic copies are available for no charge from OSI’s website.

Caution

This handbook is designed to serve as an introduction to the organization, powers, duties, and procedures of planning boards in New Hampshire. However, given the unique nature of individual parcels of land across the state and the wide variety of development proposals, this material should be taken only as a guide. Obviously, all principles outlined herein may not be entirely applicable to every parcel or proposal in the state. Accordingly, this guide should be used as a starting point for discussions regarding a particular parcel or proposal. Cases, treatises, statutes, court rulings and the like referred to in this guide should be checked to determine whether they have been reversed, distinguished, amended, or whether they are even applicable to the unique parcel under consideration. This material is being offered as a service to users and is considered “as is” without any expressed or implied guarantee or warranty by the State of New Hampshire or any subdivision thereof pertaining to the operation and administration of the board or for the accuracy of the information provided.