Bill as Introduced

2003 SESSION

03-0377
08/10

HOUSE BILL ***397***

AN ACT permitting towns and cities to deny a planning board application by a vote of the legislative body.

SPONSORS: Rep. J. Dunn, Ches 25; Rep. Hammond, Graf 18; Rep. Brueggemann, Merr 40; Rep. P. Allen, Ches 27

COMMITTEE: Municipal and County Government

ANALYSIS

This bill provides a procedure for towns and cities to disapprove certain applications to the planning board by a vote of the municipality's legislative body.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 397 – AS INTRODUCED

03-0377
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Three

AN ACT permitting towns and cities to deny a planning board application by a vote of the legislative body.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 .1 New Paragraph; Disapproval by Vote of Legislative Body. Amend RSA 676:4 by inserting after paragraph IV the following new paragraph:

V.(a) Notwithstanding any other provision of this section, a municipality may disapprove an application filed with the planning board by vote of a majority of the qualified voters of the municipality voting on the question at an annual or special meeting or regular election, pursuant to a petition signed and submitted in accordance with subparagraph (b).

(b) A petition for a vote on the question of disapproving an application under this section shall be signed by not less than 3 percent of the qualified voters of the municipality, and presented to the legislative body or the clerk of the municipality any time before the final approval of the application by the planning board.

(c) When a petition is submitted in accordance with subparagraph (b), the governing body of the municipality shall place the question on the disapproval of the application on the warrant for the next annual or special meeting or on the ballot for the next regular municipal election to determine whether the voters will disapprove the application.

(d) Not less than 2 copies of the application shall be posted at each polling place during the hours of voting, and copies thereof made available to voters at the polls on request. It shall be sufficient to refer to the application by the general description of the proposal.

(e) If a petition for a vote is submitted in accordance with this paragraph, to determine whether an application shall be disapproved by the voters of the municipality, the application shall be approved by the planning board, unless a majority of the qualified voters voting on the question vote to disapprove the application in which event it shall be denied by the planning board.

2 Effective Date. This act shall take effect 60 days after its passage.

Speakers

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 397 Date 2/12/03

Committee M+C Gr RE Towns & Cities denying Planning Board applications by legislative body vote

** Please Print All Information **

Name	Address	Phone	Representing	(check one) Pro	Con
Gary Abbott	Bow, NH 225-2701		Assoc. General Contractors		X
Joe Hagan	P.O. Box 18, Ashland, NH		myself + voc. Ass. Inc.		✓
Rep. L M Hammond	(GRAF-18)		LEBANON	✓	

Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 397

BILL TITLE: permitting towns and cities to deny a planning board application by a vote of the legislative body.

DATE: February 12, 2003

LOB ROOM: 308 **Time Public Hearing Called to Order:** 10:02 AM

Time Adjourned: 10:30 AM

(please circle if present)

Committee Members: Reps. Patten, Brundige, Lockwood, Twombly, Boyce, Dumaine, Stohl, Noyes, Buhlman, Doyle, C. Dunne, Dupuis, Gillick, Gould, M. Pappas, N. Johnson, M. Cooney, Davidson, Osborne, Schmidt and Theberge.

Bill Sponsors: Rep. J. Dunn, Ches 25; Rep. Hammond, Graf 18; Rep. Brueggemann, Merr 40; Rep. P. Allen, Ches 27

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Dunn, Dist 25

Feels there are problems with the legislation, but wishes the issue to be discussed. Concerns local control. Sometimes planning boards get "swept up" with developer's plans. Need vote of whole population. Growth needs to be monitored by every citizen.

Rep. Brueggemann, Dist 40

This is written too broadly, but the intent needs to be discussed. Citizens need more voice in development plans. Planning boards sometimes have a narrow perspective on development. This bill could permit petty disputes, so needs some mechanism to protect against that. Not intended to keep out residential development.

Maura Carroll, New Hampshire Municipal Association

Opposes this bill. This would guarantee litigation. There are protections in the zoning for people wishing to develop their property. RSA 49c and d has provision for charter towns to include non-binding referenda. Difficult to have all the information out to the general public.

Ben Frost, NHOSP

Opposes the bill. There are processes for appeals. Opening decisions to entire municipality would add to cost of development, add to confusion for developers. This bill is not the vehicle for correcting planning board mistakes; there is a process for this.

Respectfully submitted,

Priscilla P. Lockwood

Priscilla P. Lockwood, Clerk
Municipal and County Government

Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 397

BILL TITLE: **permitting towns and cities to deny a planning board application by a vote of the legislative body.**

DATE: February 13, 2003

LOB ROOM: 301

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Twombly

Seconded by Rep. Johnson

Vote: 18-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 18-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Priscilla P. Lockwood, Clerk

OFFICE OF THE HOUSE CLERK 2003 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 397 **Title:** municipalities denying plan. applic. by vote

PH Date: 2/12/03 **Exec Session Date:** 2/13/03

Motion: ITL **Amendment #:**

MEMBER	YEAS	NAYS
Patten. Betsey L. Chairman	18	
Brundige. Robert W. V Chairman		
Lockwood. Priscilla P	1	
Twomblv. James E	2	
Bovce. Laurie J	3	
Dumaine. Dudlev Daniels	4	
Pappas. Marc	5	
Dunne. Christopher H	absent	
Stohl. Eric G	6	
Noves. Richard A	7	
Buhlman. David L	8	
Dovle. Christopher L	absent	
Dupuis. Roland L	9	
Gillick. Thomas J	10	
Gould. Kenneth H	11	
Johnson. Nancv K	12	
Coonev. Marv R	13	
Davidson. Robert A	14	
Osborne. Jessie L	15	
Schmidt. Peter B	16	
Theberge. Robert L	17	
TOTAL VOTE:	15	0

Printed: 1/6/2003

Committee Report

COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 397**

TITLE: permitting towns and cities to deny a planning board application by a vote of the legislative body.

DATE: February 13, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill would have provided a procedure for towns and cities to disapprove certain applications to the planning board by a vote of the municipality's legislative body. The sponsors of the bill admitted that the bill flawed and was introduced to begin discussion on the subject. Testimony given supported the belief that the bill would guarantee litigation and concerns with equal protection claims. Also, a mechanism presently existed within the RSA's to deal with the concerns this bill addresses.

Vote 18-0.

Rep. James E. Twombly
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Municipal and County Government

HB 397, permitting towns and cities to deny a planning board application by a vote of the legislative body. **INEXPEDIENT TO LEGISLATE**

Rep. James E. Twombly for Municipal and County Government: This bill would have provided a procedure for towns and cities to disapprove certain applications to the planning board by a vote of the municipality's legislative body. The sponsors of the bill admitted that the bill flawed and was introduced to begin discussion on the subject. Testimony given supported the belief that the bill would guarantee litigation and concerns with equal protection claims. Also, a mechanism presently existed within the RSA's to deal with the concerns this bill addresses. **Vote 18-0.**

COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 397**

TITLE: permitting towns and cities to deny a planning board application by a vote of the legislative body.

DATE: February 13, 2003 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

STATEMENT OF INTENT
(Include Committee Vote)

This bill would have provided a procedure for towns and cities to disapprove certain applications to the planning board by a vote of the municipality's legislative body. The sponsors of the bill admitted that the bill flawed and was introduced to begin discussion on the subject. Testimony given supported the belief that the bill would guarantee litigation and concerns with equal protection claims. Also, a mechanism presently existed within the RSA's to deal with the concerns this bill addresses.

Vote 18-0.

Rep. James E. Twombly
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

trans. on Wed Am
PJD

Disko, Katherine

From: JTwo101588@aol.com
Sent: Thursday, February 13, 2003 8:48 PM
To: katherine.disko@leg.state.nh.us
Subject: HB-397

HB-397, permitting towns and cities to deny a planning board application by a vote of the legislative body. Inexpedient to Legislate

Rep. James E. Twombly for Municipal and County Government: This bill would have provided a procedure for towns and cities to disapprove certain applications to the planning board by a vote of the municipality's legislative body. The sponsors of the bill admitted that the bill was flawed and was introduced to begin discussion on the subject. Testimony given supported the belief that the bill would guarantee litigation and concerns with equal protection claims. Also a mechanism presently existed within the RSA's to deal with the concerns this bill addresses. Vote 18-0

Consent Calendar