CONSENT CALENDAR

March 6, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Public Works and Highways to which was referred HB 296,

AN ACT relative to local authority for granting driveway permits. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Mark Vallone

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Public Works and Highways**
Bill Number:	**HB 296**
Title:	**relative to local authority for granting driveway permits.**
Date:	**March 6, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**OUGHT TO PASS WITH AMENDMENT 2023-0743h**

STATEMENT OF INTENT

This amended bill revises part of the State Fire Code: Authority for Driveway Permits (RSA 153:5). As amended, the bill helps clarify the authority of local land use boards to regulate driveway access. With a compromise amendment, the bill establishes a minimum driveway width of 12 feet for driveways over 150 feet in length for detached one or two family dwellings in structures used only for residential purposes.

Vote 17-0.

Rep. Mark Vallone
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Public Works and Highways

HB 296, relative to local authority for granting driveway permits. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Mark Vallone for Public Works and Highways. This amended bill revises part of the State Fire Code: Authority for Driveway Permits (RSA 153:5). As amended, the bill helps clarify the authority of local land use boards to regulate driveway access. With a compromise amendment, the bill establishes a minimum driveway width of 12 feet for driveways over 150 feet in length for detached one or two family dwellings in structures used only for residential purposes. **Vote 17-0.**

Original: House Clerk
Cc: Committee Bill File

Rep. T. Walsh, Merr. 10
March 3, 2023
2023-0743h
10/07

Amendment to HB 296

Amend the bill by replacing section 1 with the following:

1 New Paragraph; State Fire Code; Authority for Driveway Permits. Amend RSA 153:5 by inserting after paragraph V the following new paragraph:

VI. 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.

2023-0743h

AMENDED ANALYSIS

This bill clarifies the authority for local land use boards to regulate driveway access for residential properties.

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on HB 296

BILL TITLE: relative to local authority for granting driveway permits.

DATE: March 6, 2023

LOB ROOM: 201

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. McConkey | Seconded by Rep. Cloutier | AM Vote: 17-0 hand vote

Amendment # 2023-0743h

Moved by Rep. Vallone | Seconded by Rep. Cloutier | Vote: 17-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep David Milz, Clerk

HOUSE COMMITTEE ON PW & H

EXECUTIVE SESSION on Bill # 296

BILL TITLE: LOCAL AUTH FOR DRIVEWAY PERMITS

DATE: 3/6/23

LOB ROOM: 201

MOTION: (Please check one box)

☐ OTP ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # 0743H

☐ Interim Study (2nd year) *(if offered)*

HANDS

Moved by Rep. McConkey Seconded by Rep. Cloutier Vote: 9-0

MOTION: (Please check one box)

☐ OTP ☒ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____

☐ Interim Study (2nd year) *(if offered)*

Moved by Rep. Vallone Seconded by Rep. Cloutier Vote: 17-0

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____

☐ Interim Study (2nd year) *(if offered)*

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

☐ OTP ☐ OTP/A ☐ ITL ☐ Retain (1st year) ☐ Adoption of Amendment # _____

☐ Interim Study (2nd year) *(if offered)*

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: X **YES** ____ **NO**

Minority Report? ____ Yes X No ~~If yes,~~ author, Rep: _____ Motion _____

Respectfully submitted: _____

Rep. Mills, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/6/2023 12:37:56 PM
Roll Call Committee Registers Report

2023 SESSION

Public Works and Highways

Bill #: 296 Motion: OTP/A AM #: _____ Exec Session Date: 3/6/23

Members	YEAS	Nays	NV
McConkey, Mark E. Chairman	17		
Cloutier, John R. Vice Chairman	1		
Milz, David E. Clerk	2		
Fedolfi, Jim L.	3		
Newton, Clifford A.	4		
Kaczynski, Thomas L.	5		
Beaudoin, Richard B	6		
Boyd, Bill			—
Melvin, Charles R.	7		
Bogert, Steven T	8		
Connor, James	9		
Jack, Martin L.	10		
Abbott, Michael D.	11		
Edgar, Michael A.			—
~~Faulkner, Barry~~ SYKES	12		
Newman, Sue A.	13		
Eaton, Daniel A.			—
Pedersen, Michael P.	14		
Vallone, Mark A	15		
Juris, Louis C.	16		
TOTAL VOTE:	17	0	

Rep. T. Walsh, Merr. 10
March 3, 2023
2023-0743h
10/07

Amendment to HB 296

Amend the bill by replacing section 1 with the following:

1 New Paragraph; State Fire Code; Authority for Driveway Permits. Amend RSA 153:5 by inserting after paragraph V the following new paragraph:

VI. 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.

UNAPPROVED

2023-0743h

AMENDED ANALYSIS

This bill clarifies the authority for local land use boards to regulate driveway access for residential properties.

UNAPPROVED

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON HB 296

BILL TITLE: **relative to local authority for granting driveway permits.**

DATE: **January 25, 2023**

LOB ROOM: **201** **Time Public Hearing Called to Order:** **3:30 PM**

Time Adjourned:

Committee Members: Reps. McConkey, Cloutier, Milz, Newton, Kaczynski, R. Beaudoin, B. Boyd, Melvin, Bogert, Connor, Jack, Abbott, Edgar, Faulkner, S. Newman, Pedersen and Vallone

Bill Sponsors:
Rep. T. Walsh **Rep. C. McGuire** **Rep. Hill**
Rep. S. Smith

TESTIMONY

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

Rep. Thomas Walsh - Bill Sponsor

- Introduced bill and gave the background for necessity of bill

Rep. Newton questioned make up of local planning board
Rep. McConkey questioned whether current problem related to a single driveway

Sean Toomey - State Fire Marshall - Opposed

- Is necessary to address a single issue in a single town

Dave Emanual - NH Association of Fire Chiefs - Opposed

Rep. McConkey - Needed to know if either present fire representatives were involved with current problem
A: No.

Respectfully submitted,

Rep. David Milz, Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB296 Date: 1/25/23

Committee: Public Works & Highways

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Rep Mike Ouellet	Colebrook	603-331-2159		X	

House Remote Testify

Public Works and Highways Committee Testify List for Bill HB296 on 2023-01-25

Support: 3 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Kaw-uh, Bryce	Manchester, NH bryce.kawuh@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/16/2023 11:49 PM
Medeiros, Jesse	Plainfield, NH bgtrck458@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 11:30 AM
Karney, Stephen	Amherst, NH stephenakarney@gmail.com	A Member of the Public	Myself	Support	No	No	1/23/2023 1:18 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/25/2023 11:49 AM

State of NewHampshire

DEPARTMENT OF SAFETY

Division of Fire Safety

Office of the State Fire Marshal

Robert L. Quinn
Commissioner

Office: 110 Smokey Bear Boulevard, Concord, NH 03301
Mailing Address: 33 Hazen Drive, Concord, NH 03305
Telephone: 603-223-4289 • **Fax:** 603-223-4294
www.nh.gov/firesafety

Sean P. Toomey
State Fire Marshal

January 25, 2023

Honorable Members of the House
Public Works and Highways Committee
LOB Room 201
Concord, NH 03301

RE: HB 296 Relative to local authority for granting driveway permits

Dear Honorable Members of the Committee,

I'm writing this letter to offer my opposition to HB 296 as written.

It is noted in the introduced bill language that the state fire code would not be applicable for regulating driveway access. The regulation of driveway access would be the responsibility of local land use boards with the exception of driveways on state highways.

In speaking with the prime sponsor, Representative Thomas Walsh I have learned that this bill is the result of conflicts in a specific town with the fire official.

The purpose of the state fire code is to prescribe minimum requirements necessary to establish a reasonable level of fire and life safety and property protection from the hazards created by fire, explosion, and dangerous conditions. The provisions for fire department access have been a part of the state fire code for over 20 years. The specific issue identified by Representative Walsh is the driveway width provisions. The state fire code requires a 20' wide unobstructed access. Prior to the implementation of the 2018 edition of the state fire code there was very little flexibility on the width. Recognizing that this strict requirement could present challenges the state fire code now clearly states that the width of the access is permitted to be less than 20' when approved by the fire department.

It is critical to maintain a fire department's ability to regulate fire department access so effective fire and life safety objectives are achieved within the built environment of our state.

If you have any questions or need additional information, please feel free to contact me.

Sincerely,

Sean P. Toomey, P.E.
State Fire Marshal

This bill gets it backwards. State law preempts the regulatory powers of local land use boards. And if the state fire code requires something, then it’s probably a good idea for safety purposes.

HB 296 - AS INTRODUCED

2023 SESSION

23-0510
10/05

HOUSE BILL ***296***

AN ACT relative to local authority for granting driveway permits.

SPONSORS: Rep. T. Walsh, Merr. 10; Rep. C. McGuire, Merr. 27; Rep. Hill, Merr. 2; Rep. Steven Smith, Sull. 3

COMMITTEE: Public Works and Highways

ANALYSIS

This bill clarifies that local land use boards and not the state fire code regulate driveway access.

- -

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 296 - AS INTRODUCED

23-0510
10/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to local authority for granting driveway permits.

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

1 New Paragraph; State Fire Code; Authority for Driveway Permits. Amend RSA 153:5 by inserting after paragraph V the following new paragraph:

VI. 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.

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