LEGISLATIVE COMMITTEE MINUTES

HB296

Bill as Introduced

HB 296 - AS AMENDED BY THE HOUSE

16Mar2023... 0743h

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

AMENDED ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 AMENDED BY THE HOUSE

16Mar2023... 0743h

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, 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.

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

HB 296 - AS AMENDED BY THE SENATE

16Mar2023... 0743h
04/13/2023 1316s

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

AMENDED ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 AMENDED BY THE SENATE

16Mar2023... 0743h
04/13/2023 1316s

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, 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. Before issuing the approval, the local land use boards shall 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.

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

HB 296 - VERSION ADOPTED BY BOTH BODIES

16Mar2023... 0743h
04/13/2023 1316s

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

AMENDED ANALYSIS

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

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 - VERSION ADOPTED BY BOTH BODIES

16Mar2023... 0743h
04/13/2023 1316s

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, 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. Before issuing the approval, the local land use boards shall 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.

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

CHAPTER 187
HB 296 - FINAL VERSION

16Mar2023... 0743h
04/13/2023 1316s

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

AMENDED ANALYSIS

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

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.

CHAPTER 187
HB 296 - FINAL VERSION

16Mar2023... 0743h
04/13/2023 1316s

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:

187:1 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. Before issuing the approval, the local land use boards shall 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.

187:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 04, 2023
Effective Date: October 03, 2023

Amendments

Sen. Gray, Dist 6
March 28, 2023
2023-1236s
10/05

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. Before issuing the approval, the local land use boards shall 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.

UNAPPROVED

Election Law and Municipal Affairs
April 4, 2023
2023-1316s
10/05

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. Before issuing the approval, the local land use boards shall 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.

Committee Minutes

AMENDED
SENATE CALENDAR NOTICE
Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Keith Murphy, Vice Chair
Sen Daryl Abbas, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: March 22, 2023

HEARINGS

Tuesday	03/28/2023
(Day)	(Date)

Election Law and Municipal Affairs	Legislative Office Building 103	9:30 a.m.
(Name of Committee)	(Place)	(Time)

9:30 a.m.	**HB 36**	relative to fees of sheriffs and deputy sheriffs.
9:35 a.m.	**HB 286**	relative to the removal of political advertising.
9:45 a.m.	**HB 296**	relative to local authority for granting driveway permits.
10:00 a.m.	**HB 335**	relative to notice of tax lien on real estate subject to a lien for old age assistance.
10:15 a.m.	**HB 336**	relative to the format of election ballots.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 36
Rep. Fellows, Rep. Trottier, Rep. Schuett, Rep. Rhodes
Sen. D'Allesandro

HB 286
Rep. Cannon, Rep. Edwards, Rep. Parshall, Rep. Levesque
Rep. Fellows, Rep. Bouldin

HB 296
Rep. T. Walsh, Rep. C. McGuire, Rep. Hill, Rep. S. Smith

HB 335
Rep. M. Cahill

HB 336
Rep. M. Cahill

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee

Tricia Melillo 271-3077

HB 296, relative to local authority for granting driveway permits.

Hearing Date: March 28, 2023

Members of the Committee Present: Senators Gray, Murphy, Soucy and Perkins Kwoka

Members of the Committee Absent : Senator Abbas

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

Sponsors:

Rep. T. Walsh Rep. C. McGuire Rep. Hill

Rep. S. Smith

Who supports the bill: Rep. Thomas Walsh, Curtis Howland

Who opposes the bill: Dave Emanuel, Ken Soves, Tom Blanchette, Alan Quimby, Jeff Currier, Scott Hunter, Don Nourse, David Chamberlain, David Woodard, James Reinert, Michael Sitar, Shawn Murray, Jason Fritz, Thomas Morrison, Frank Fraitzl, Ed Walker

Summary of testimony presented in support:

Representative T. Walsh

- He has been on the planning board in Hooksett for 12 years.
- One of the subdivisions that they approved, allowed for 14 foot driveways.
- When the contractor went to get the CO, the fire department decided that they now needed 20 foot driveways.
- This was contrary to the ordinance that the planning board followed when they approved the subdivision.
- To change all the driveways to 20 feet would cost a lot of time and expense which the contractor did not have.
- They tried to solve this in town but failed to do so.
- Originally, HB 296 stated that the fire code could not supersede the town ordinance.
- At the time, there were not rules for residential driveways and they were using the driver access road rules.
- Since then they have adopted 2018 which does include a residential component and starts the driveway at a minimum of 20 feet wide.
- This bill was amended in the house to be for single and two family homes, not for commercial or high density areas.
- Recently, he has learned that there are some other potential issues that Fire Chiefs around the state have communicated.
- The Fire Marshall has given him some proposed language for the Committees consideration.
- He has no issue with this new language as it keeps everybody in the loop but still gives consideration to the ordinance.

- Senator Perkins Kwoka commented that there are so many circumstances that could arise with planning and building a house and asked if a fire code amendment is something that he would be open to instead of this.
    - Rep. Walsh replied that he spoke with the Fire Marshall about that but they decided that this was the quickest and most clear way to accomplish the goal. It puts it in statute right under the codes for single and two family fire sprinklers.
- Senator Perkins Kwoka asked if there is a uniform way that the zoning ordinances and the state fire code interact across our towns and cities. She is concerned that this is a one size fits all approach and leaves the Fire Chiefs on a local level with their hands tied.
    - Rep. Walsh replied that he does not believe it is a one size fits all because the recommendations are there and the Fire Chief or designee has the opportunity, at the Technical Review Committee meeting, to give those recommendations. He stated that the intent of this legislation is to not have anyone surprised at the completion of building. Both he and the Fire Marshall agree that asking someone to build a 20 foot wide driveway for their home is overbuilding. He believes that the way it is written with the recommendations from the Chiefs works for everybody.
- Senator Perkins Kwoka asked if he would believe that the 20 foot minimum was repealed in favor of a more flexible standard in the latest fire code.
    - Rep. Walsh stated that it is still 20 feet it just allows the AHJ to reduce it if he/she sees fit. This bill looks at it from the other direction and puts it at 12 feet unless the AHJ has a reason to make it wider and he thinks that is fair.

Summary of testimony presented in opposition:

Dave Emmanuel – NH Association of Fire Chiefs – Durham Fire Chief

- They have been working with Representative Walsh and Fire Marshall Toomey on HB 296.
- When they read the issue of who is responsible, whether it is a Land Use Board or the Authority Having Jurisdiction, it was all on the Land Use Board.
- Their concern is that other considerations for the Fire Code and the Life Safety Code such as slope and grade, vertical clearance, surface load bearing capacity, turning radius, dead ends and bridges, could be left out.
- A person could read into the law that driveway width is the only thing that is important.
- From a Fire Chief or Municipal standpoint, to not be able to service a residence is problematic for them.
- They want to be able to reach the residence, solve the problem and leave.
- It is not fair for residents to have an expectation that emergency services can help them when those services cannot get to them.
- They were concerned that it seemed like a one size fits all.
- The two main problems he has had as the Chief in Durham are personnel and driveway access.
- In Durham, they have a lot of long driveways that are difficult to access.
- They acknowledge that this is both a safety issue and a planning issue.
- They would ask that this could be handled on the local level on a case by case basis.

Ken Jones – New England Fire Chiefs - Meredith Fire Chief

- Across the state there are various levels of fire service, from career to call volunteer in rural or suburban areas.
- Fire chiefs must be allowed to keep an integral role in determining proper Fire Department access to all properties.
- Today fires are burning hotter and faster due to building construction materials, open design concepts, increased square footage and contents.
- Most all call and volunteer departments are struggling with staffing issues.
- These challenges force fire service leaders to alter fire ground tactics to do more with less.
- Limiting required access designs for Fire Department apparatus and staff is a step in the wrong direction
- In many cases this adds stress and exertion for Firefighters, creating safety issues and added costs to municipalities.
- In February they received a call and the 1.3 mile driveway to this property proved hazardous.
- It had 90 degree turns, a steep grade, narrow width and hard, icy conditions.
- There were many safety issues with the house and the driveway
- Firefighters had to be transported in and out by pick-up truck.
- It took 2.5 hours to get 3 pieces of apparatus back to the street.
- The Department of Public Works had to bring in several yards of sand to help them out.
- This incident kept those 3 pieces of apparatus out of service for an extended period of time, requiring mutual aid from other departments.
- This is one example of Fire Department access and its importance for proper design and approval.

Tom Blanchette – Louden Fire Chief

- In Louden they are a combination call volunteer and full time department.
- It is an older department with an average age of 49.7 and it is a challenge to find younger members.
- His planning and zoning boards had approved most all subdivisions and building before he was appointed Chief in 2019.
- He handed out pictures to show the committee examples of driveways that became problematic.
- Ariel devices have become very important with more solar panels on roofs and more people burning wood, there are a lot more chimney fires.
- In some of the driveways they cannot get the ariel device to the house.
- As a community they put together a driveway profile that would work for any piece of property within reason.
- Since they have implemented that, it has worked out for most people with limited concern.
- The outriggers on the trucks go out to 16 feet and that is a major reason that they have 17 feet as a minimum width.
- He gave a few examples of contractors and homeowners that have worked with the department to make sure they have access.
- If this bill was passed as written it would inhibit their ability to work out compromises with builders and homeowners.

Dave Emmanuel – NH Association of Fire Chiefs – Durham Fire Chief

- They recognize that risk is mitigated through good planning codes and standards.
- They welcome the opportunity to work with the Committee to make this legislation work for everyone.
- Senator Gray asked if they have seen the proposed amendment from the Fire Marshall.
    - Chief Emmanuel replied they have seen it and their first choice would be to put it into the code and keep it out of legislation.
- Senator Gray asked if each of their communities have a Technical Review Group where fire, police and others have input into the process.
    - The Chiefs answered that they all do but sometimes they cannot meet due to staffing during the day. Most of the state is represented by volunteer Fire Chiefs and do not have career planners.
- Senator Perkins Kwoka asked if in their experience, the Fire Department is brought in at a uniform and early time to have their contributions recognized in land use approvals.
    - Chief Emmanuel replied that with a new subdivision or land use project they are brought in at the TRG level. The problem happens when it is an 80s or 90s approved subdivision and they want to build a new home.

TJM
Date Hearing Report completed: March 31, 2023

Speakers

Senate Election Law and Municipal Affairs Committee
SIGN-IN SHEET

Date: March 28, 2023 **Time:** 9:45 a.m.

HB 296 **An Act** relative to local authority for granting driveway permits.

PRIME: Representative Walsh

Name/Representing *(please print neatly)*				
REP. THOMAS WALSH	Support ☑ Oppose ☐	Speaking?	Yes ☑ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐ No ☐

Senate Election Law and Municipal Affairs Committee
SIGN-IN SHEET

Date: March 28, 2023 **Time:** 9:45 a.m.

HB 296 **An Act** relative to local authority for granting driveway permits.

PRIME: Representative Walsh

Name/Representing *(please print neatly)*

Chief Dave Emanuel	Support ☐ Oppose ☑	Speaking?	Yes ☑	No ☐
Chief Ken Sowes	Support ☐ Oppose ☑	Speaking?	Yes ☑	No ☐
Chief Tom Blanchette	Support ☐ Oppose ☑	Speaking?	Yes ☑	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐ Oppose ☐	Speaking?	Yes ☐	No ☐

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill HB296 on 202

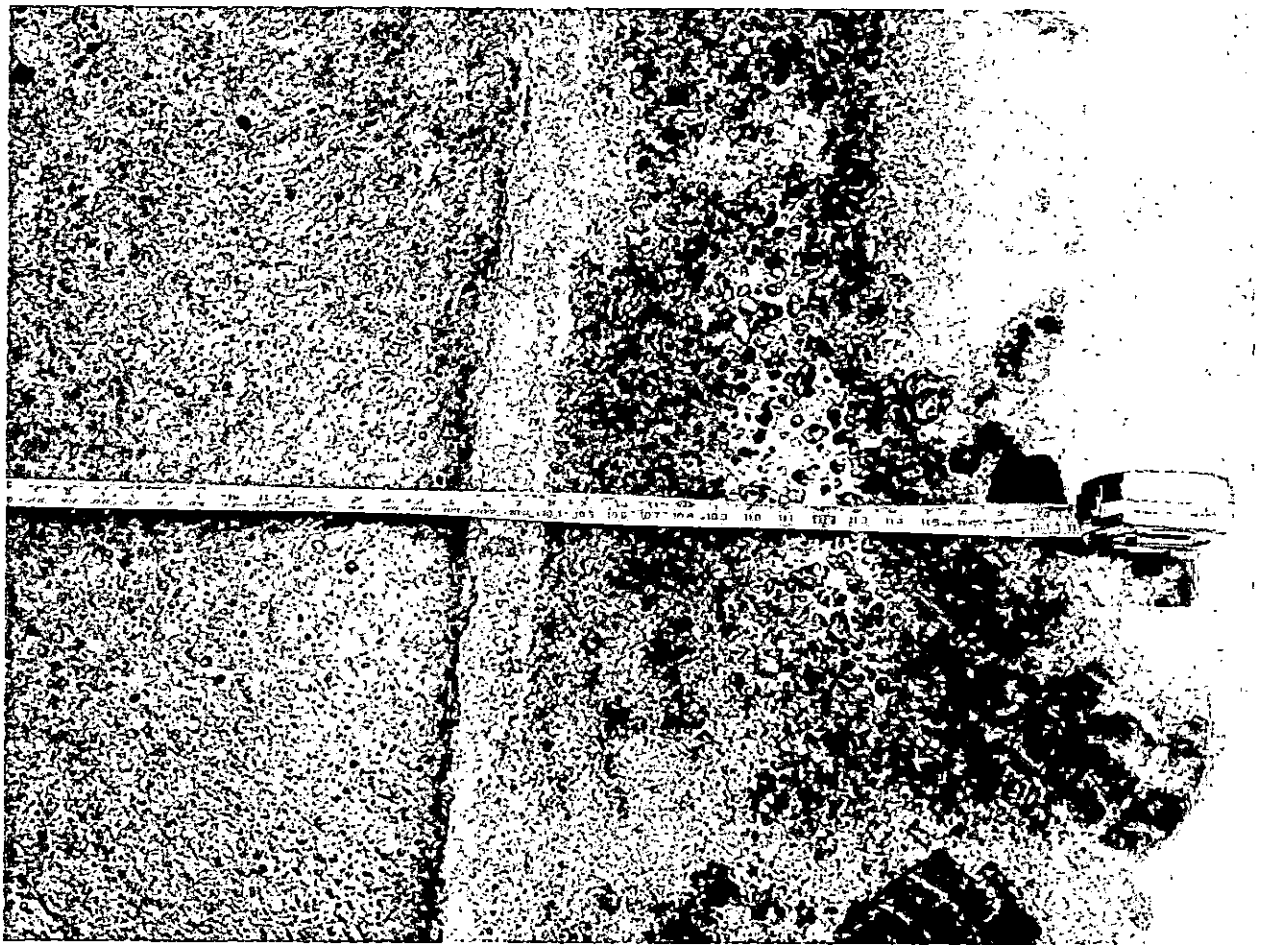
Support: 1 Oppose: 13

Name	Title	Representing	Position
Howland, Curtis	A Member of the Public	Myself	Support
Quimby, Alan	An Elected Official	Chichester Fire Rescue	Oppose
Currier, Jeff	A Member of the Public	Myself	Oppose
Hunter, Scott	A Member of the Public	Myself	Oppose
Nourse, Don	A Member of the Public	Myself	Oppose
Chamberlain, David	A Member of the Public	Town of Jaffrey Fire Department / NH Association of Fire Chiefs	Oppose
Woodard, David	An Elected Official	Colebrook Fire Department	Oppose
Reinert, James	A Member of the Public	Myself	Oppose
Sitar, Michael	A Member of the Public	Tilton-Northfield Fire District	Oppose
Murray, Shawn	A Member of the Public	Myself	Oppose
Fritz, Jason	A Member of the Public	Myself	Oppose
Morrison, Thomas	State Agency Staff	Plymouth Fire-Rescue	Oppose
Fraitzl, Frank	A Member of the Public	Myself	Oppose
Walker, Ed	A Member of the Public	Myself	Oppose

Testimony



129 & 131 Edgerly School Rd., initial entrance, 1.3 miles long with steep grades and narrow widths



129 & 131 Edgerly School Rd. current width



129 & 131 Edgerly School Rd initial descent



90 degree Turn on 8 t0 10% down grade



15 to 20% Down Grade



10 to 12% Grade



131 Edgerly School Rd, 7000 sq. ft. Residence. Fire on 2/22/2023, roughly 1.7 million dollar lost





Bud's Way entrance to several residence

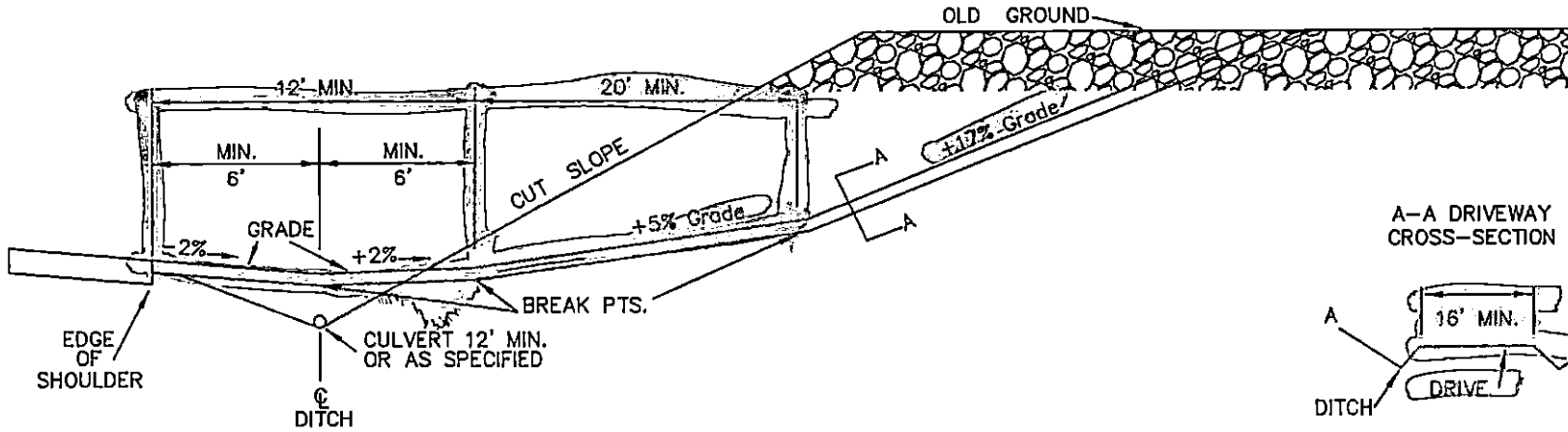


Pike Island Rd off Bud's Way w/ 3 Residence





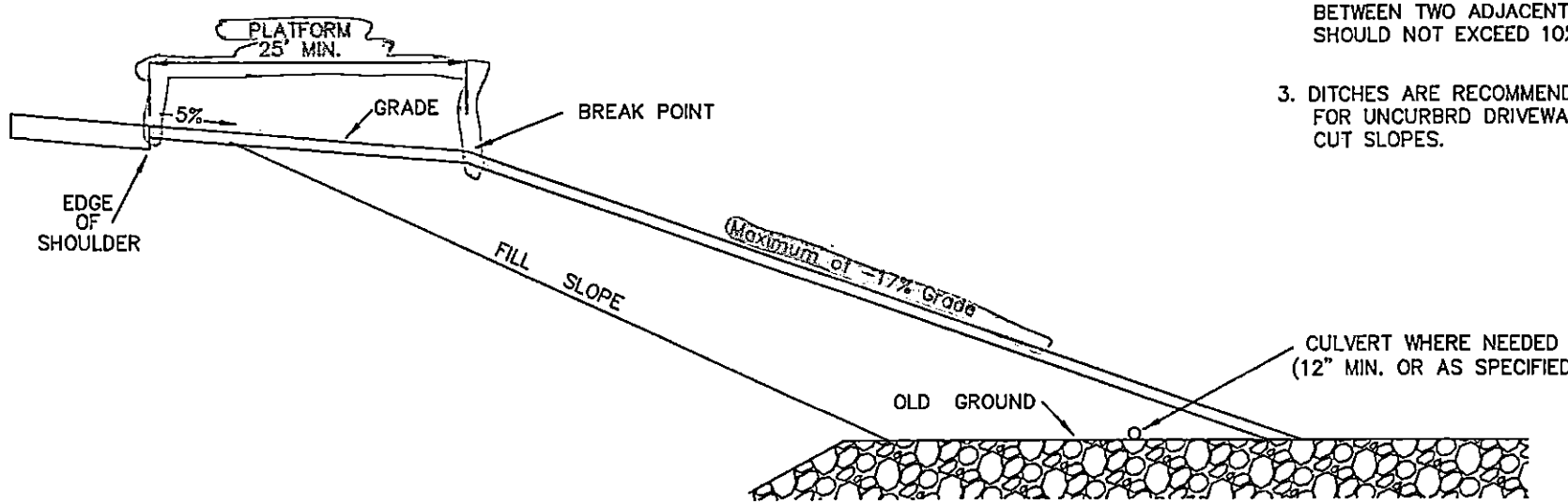




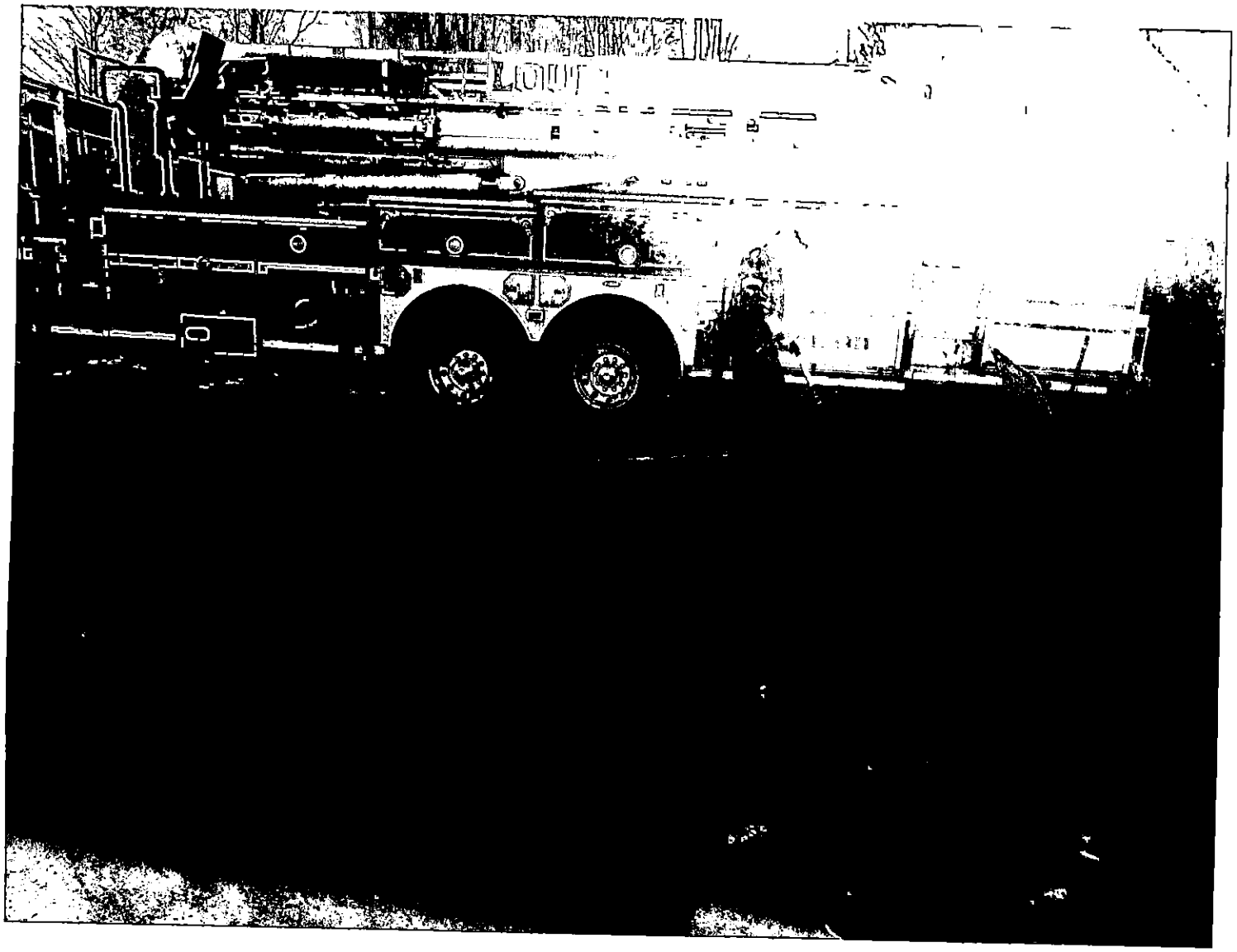
A–A DRIVEWAY CROSS–SECTION

TYPICAL DRIVEWAY PROFILE IN CUT SECTION

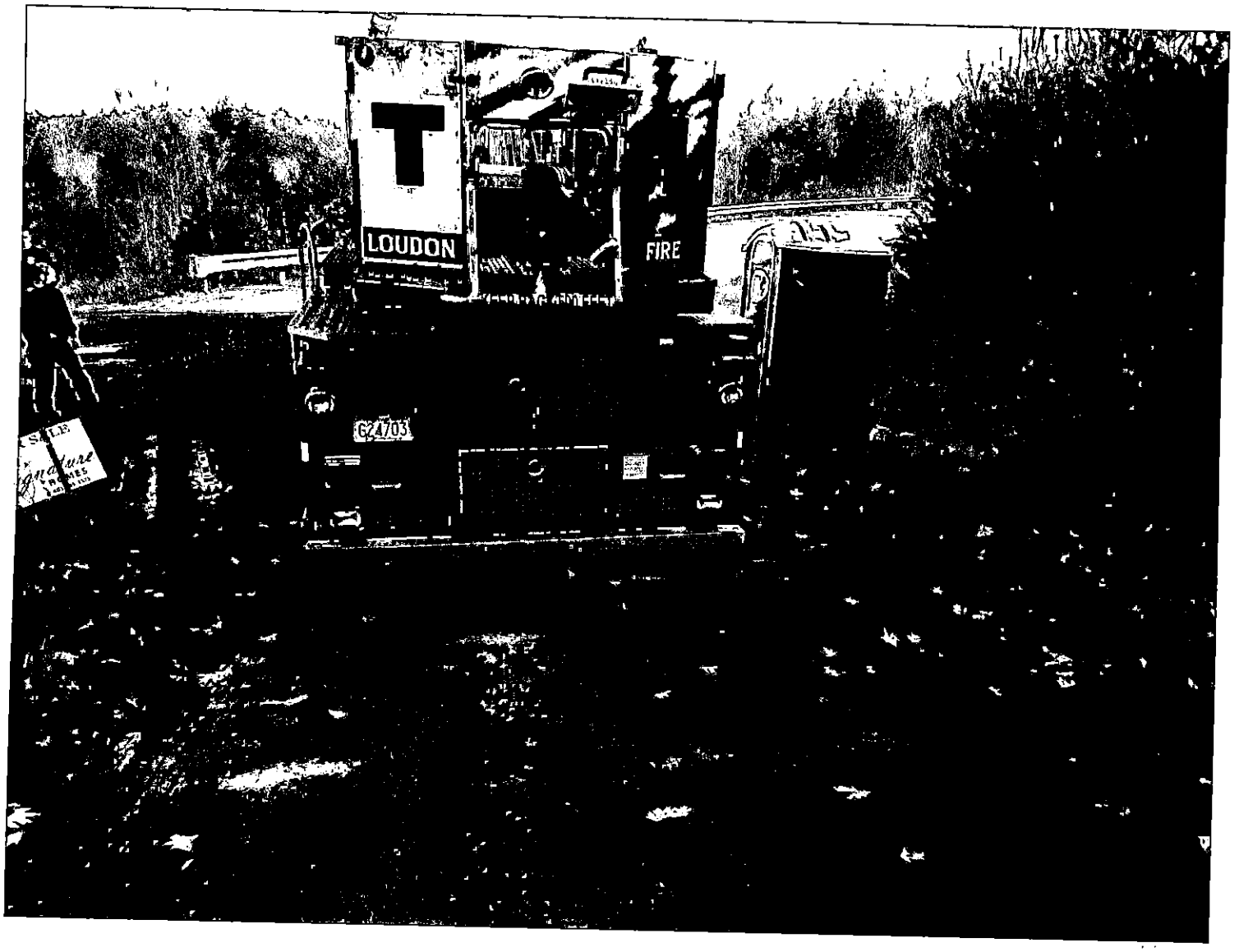
NOTES:
1. GRADES OF MAJOR ENTRANCES BEYOND THE PLATFORM SHOULD NOT EXCEED 8%.
2. THE ALGEBRAIC DIFFERENCE BETWEEN TWO ADJACENT GRADES SHOULD NOT EXCEED 10%.
3. DITCHES ARE RECOMMENDED FOR UNCURBRD DRIVEWAYS IN CUT SLOPES.

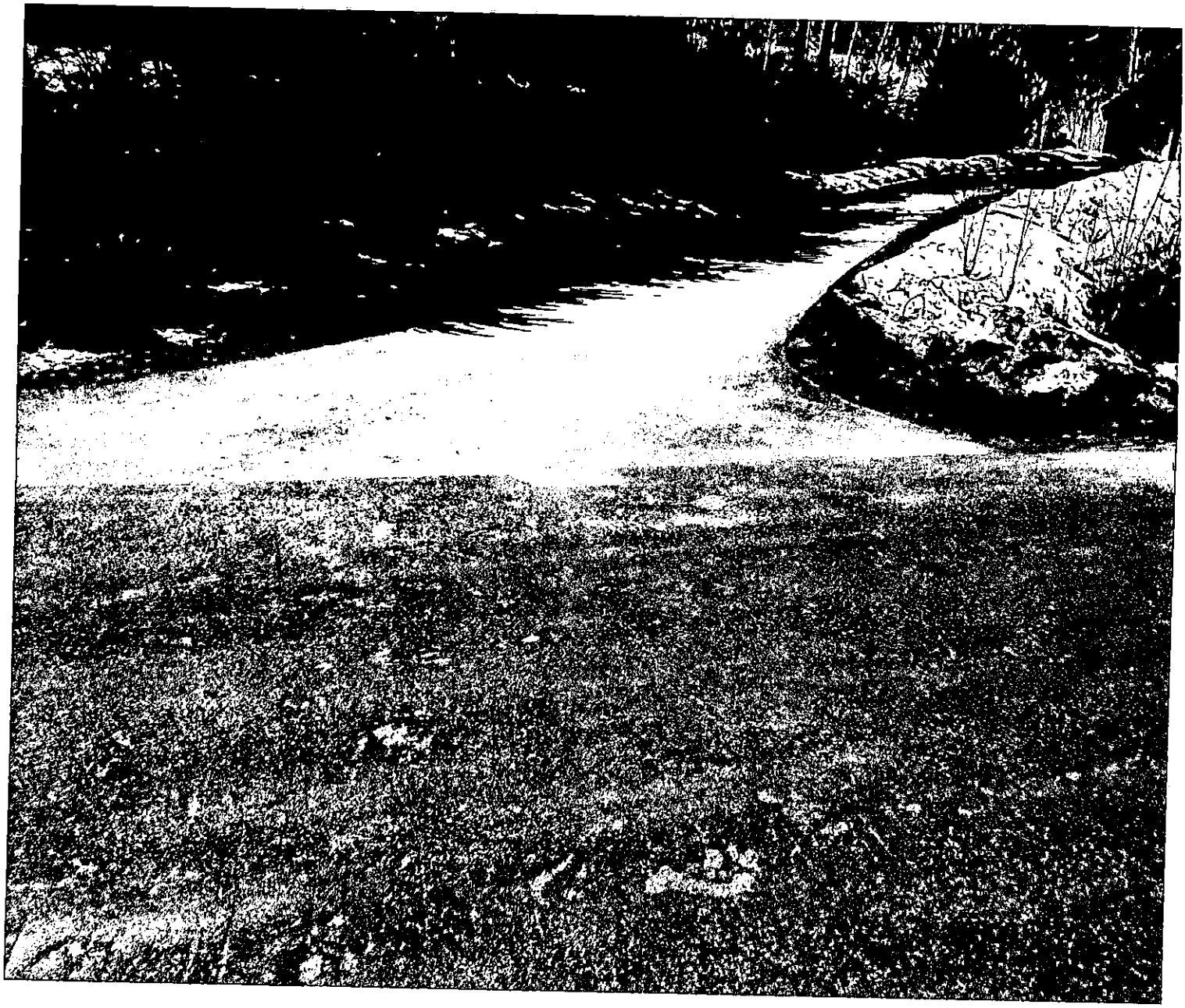


TYPICAL DRIVEWAY PROFILE IN FILL SECTION




911


LOUDON
FIRE
G-4705



Tricia Melillo

From: Toomey, Sean <Sean.P.Toomey@DOS.NH.GOV>
Sent: Friday, March 24, 2023 5:02 PM
To: James Gray; Keith Murphy; Daryl Abbas; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo
Cc: Allard, Brian; Thomas Walsh
Subject: HB 296

Caution! This message was sent from outside your organization.

Honorable Members of the Senate Committee on Election Law and Municipal Affairs,

I am writing today as I am unable to attend the public hearing on HB 296 on March 28th as I am out of state. Assistant Director/Deputy State Fire Marshal Brian Allard will attend the hearing to answer any questions. I have been working closely with prime sponsor, Representative Tom Walsh to develop the amended version of the bill that was passed by the House. This bill is the result of conflicts in a specific town with the fire official, relative to driveway width provisions.

The amended bill language removes the authority from the state fire code for regulating driveway access for 1 & 2 family dwellings. The regulation of driveway access for 1 & 2 family dwellings would be the responsibility of local land use boards with the exception of driveways on state highways. Driveways over 150' in length will be required to have a minimum of a 12' width.

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 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 a fire department can't find you or can't get to you they can't help you in an emergency.

While the amended bill language is a good compromise, I have received some feedback from fire chiefs that the proposed amendment might not address a few other key factors in driveway design such as vertical clearance, grade, suitability of road surface, and the ability to pass and turn around once in the driveway.

An option to address this issue would be to allow time for the stakeholders to work together to balance the needs of the homeowners and life safety while making sure fire department access is not compromised. Ideally this work would be addressed through the fire code amendment process through the Board of Fire Control. The Board of Fire Control would work with the stakeholders, have a public hearing and the amendment would receive final ratification by the general court to place a well thought out amendment in place to address the constituent concerns brought forward in Representative Walsh's initial bill.

Thank you for your consideration. I am happy to answer any questions.

-Sean

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

Department of Safety | Division of Fire Safety
New Hampshire State Fire Marshal's Office (FMO)

Physical: 110 Smokey Bear Boulevard (IPOC), Concord NH
Mailing: 33 Hazen Drive
Concord, NH 03305
Office: 603-223-4289
Direct: 603-223-4375
Fax: 603-223-3609
Arson Hotline: 1-800-400-3526
Email: sean.p.toomey@dos.nh.gov

"Saving lives and property through education, engineering & enforcement"

Web Site Address: http://www.nh.gov/safety/divisions/firesafety
Subscribe to our list serve to receive public safety notices and press releases.

STATEMENT OF CONFIDENTIALITY:

This e-mail transmission and any accompanying materials may contain confidential information, for Official use only and/or contain law enforcement sensitive information and is intended only for disclosure to and use by the addressee(s) named above. Distribution, publication, reproduction or use of this transmission and materials, in whole or in part, by any person other than the intended recipient(s) is covered by the Electronic Communications Privacy Act, 18 USC 2510-2521. If you have received this e-mail erroneously, please contact me directly at 603-223-4289 so that I may arrange to protect these documents.

Tricia Melillo

From: Alan Quimby <aquimby@chichesternh.org>
Sent: Monday, March 27, 2023 8:17 AM
To: James Gray; Keith Murphy; Daryl Abbas; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo
Cc: stoomey@dos.nh.gov
Subject: Opposition to House Bill 296

Caution! This message was sent from outside your organization.

Honorable Members of the Senate Committee on Election Law and Municipal Affairs,

My name Alan Quimby and I am the Fire Chief in Chichester New Hampshire.

I am writing today as I am unable to attend the public hearing on HB 296 on March 28th and to voice my opposition to HD 296 as written.

I have been following closely the NH Fire Chief's Association and Fire Marshal Toomey while they develop an amended version of NB 296 that was passed by the House. This bill is the result of conflicts in a specific town with the fire official, relative to driveway width provisions.

The amended bill language removes the authority from the state fire code for regulating driveway access for 1 & 2 family dwellings. The regulation of driveway access for 1 & 2 family dwellings would be the responsibility of local land use boards apart from driveways on state highways. Driveways over 150' in length will be required to have a minimum of a 12' width.

The purpose of the state fire code is to prescribe minimum requirements necessary to establish a reasonable level of fire, 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 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 a fire department can't find you or can't get to you, they can't help you in an emergency.

While the amended bill language is a good compromise, I have voiced my concerns to the NH Fire Chief's Association and Marshal Toomey that the proposed amendment might not address a few other key factors in driveway design such as vertical clearance, grade, suitability of road surface, and the ability to pass and turn around once in the driveway.

An option to address this issue would be to allow time for the stakeholders to work together to balance the needs of the homeowners and life safety while making sure fire department access is not compromised. Ideally this work would be addressed through the fire code amendment process through the Board of Fire Control. The Board of Fire Control would work with the stakeholders, have a public hearing and the amendment would receive final ratification by the general court to place a well thought out amendment in place to address the constituent concerns brought forward in Representative Walsh's initial bill.

Thank you for your consideration. I am happy to answer any questions you may have from perspective.

-Alan

Chichester Fire Rescue

Alan S Quimby, Chief

22 Main St

Chichester NH 03258

aquimby@chichesternh.org

603-344-2959

From: Toomey, Sean
Sent: Monday, March 27, 2023 11:17 AM
To: Thomas Walsh <Thomas.Walsh@leg.state.nh.us>
Cc: Allard, Brian <Brian.H.Allard@DOS.NH.GOV>; Lawrence Best <lbest@salemnh.gov>; David Emanuel <David.Emanuel@unh.edu>; Allard, Brian <Brian.H.Allard@DOS.NH.GOV>
Subject: HB 296- Suggested Amendment

Representative Walsh,

Thank you for your continued collaboration in efforts to find a solve for driveway access for 1 & 2 family homes. I've been working closely with the leadership of the NH Association of Fire Chiefs (NHAFC) to figure out a way to address some of the recent concerns brought forward by local fire chiefs as the bill passed through the House. This morning I shared an idea on some language with the NHAFC that would help foster the local land use boards and fire chief review process.

We offer the following suggested amendment for your consideration:

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. Before issuing the approval, the local land use boards shall 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.

We look forward to your thoughts.
Thank you,
Sean

Sean P. Toomey, P.E.
State Fire Marshal
Department of Safety | Division of Fire Safety
New Hampshire State Fire Marshal's Office (FMO)

Office: 603-223-4289
Direct: 603-223-4375

"Saving lives and property through education, engineering & enforcement"

NEW HAMPSHIRE ASSOCIATION OF FIRE CHIEFS, INC.

Working Together to Make a Difference

547 Charles Bancroft Hwy.
Litchfield, NH 03052
www.nhafc.org
Email: nhfirechiefs@gmail.com

March 27, 2023

Senate Election Law and Municipal Affairs Committee
Legislative Office Building, Room 103
Concord, NH 03301

Re: HB 296 – Local Authority for Granting Driveway Permits

Dear Chairman Gray and Members of the Senate Election Law and Municipal Affairs Committee:

I write to you as the Vice President of the New Hampshire Association of Fire Chiefs (NHAFC). I also serve as the Fire Chief in the Town of Durham. The NHAFC provides leadership, education, and advocacy for the NH Fire Service.

Initially, we would like to recognize Representative Walsh for his attempt to address our Association's concerns with HB 296. He worked to amend the bill in the House to limit the scope of his proposal. However, there are still issues with the bill before you.

HB 296 attempts to address challenges which can arise between fire departments and local land use boards. From a first response perspective, if we cannot find you or get to you, we cannot help you. We are concerned about the impacts the bill would have since it would remove flexibility from the current fire code. While HB 296 addresses driveway width, the following items are not addressed which could result in delays or barriers to emergency services:

1. Slope/grade
2. Vertical clearance
3. Surface and load bearing capacity
4. Turning radius
5. Dead ends
6. Bridges

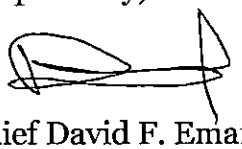
HB 296 enables the local land use boards to have final say on these matters. Our members have examples of challenges accessing a property due to some of these issues not being considered by a local land use board, which creates unnecessary challenges and delays for emergency response. The current process allows for fire chiefs to participate in this process to ensure access can be achieved. While the 12-foot minimum included in the bill would certainly help and likely address many issues, the language provides for the land use board to make all other decisions relative to driveways, as long

as the driveway is at least 12 feet wide if the driveway is over 150 feet. This is not a one-size-fits-all issue, and the solution needs to provide for more flexibility.

NHAFC would welcome the opportunity to continue to work on this bill with Representative Walsh and Fire Marshal Toomey. At this time, we are opposed to the bill and would ask that you not vote to pass it in its current form.

Thank you.

Respectfully,



Chief David F. Emanuel, Vice President
New Hampshire Association of Fire Chiefs

Tricia Melillo

From: Toomey, Sean <Sean.P.Toomey@DOS.NH.GOV>
Sent: Tuesday, March 28, 2023 8:11 AM
To: James Gray; Keith Murphy; Daryl Abbas; Donna Soucy; Rebecca Perkins Kwoka; Tricia Melillo
Cc: Allard, Brian
Subject: FW: HB 296- Suggested Amendment

Caution! This message was sent from outside your organization.

Honorable Members of the Senate Committee on Election Law and Municipal Affairs,

I wanted to share a suggested amendment that has been developed by the State Fire Marshal's Office in cooperation with the NH Association of Fire Chiefs to address concerns brought forward by local fire chiefs.

Suggested amendment for your consideration:

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. Before issuing the approval, the local land use boards shall 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.

Assistant Director Allard will be available at the hearing this morning to answer any questions.

Thank you,
Sean

Sean P. Toomey, P.E.
State Fire Marshal
Department of Safety | Division of Fire Safety
New Hampshire State Fire Marshal's Office (FMO)

Office: 603-223-4289
Direct: 603-223-4375

"Saving lives and property through education, engineering & enforcement"

Voting Sheets

Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2023 Session

Bill HB 296

Hearing date: 3/28/23

Executive Session date: 4/4/23

Motion of: OTP/A **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X		✓	✓	
Sen. Murphy, Vice Chair	X			✓	
Sen. Abbas	X			✓	
Sen. Soucy	X	✓		✓	
Sen. Perkins Kwoka	X			✓	

Motion of: Amend 1236s **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray , Chair	X		✓	✓	
Sen. Murphy , Vice Chair	X			✓	
Sen. Abbas	X			✓	
Sen. Soucy	X	✓		✓	
Sen. Perkins Kwoka	X			✓	

Motion of: Consent **Vote:** 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X			✓	
Sen. Murphy , Vice Chair	X		✓	✓	
Sen. Abbas	X			✓	
Sen. Soucy	X	✓		✓	
Sen. Perkins Kwoka	X			✓	

Reported out by: Sen. Gray

Notes:

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Tuesday, April 4, 2023

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **HB 296**

AN ACT relative to local authority for granting driveway permits.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1316s

Senator James Gray
For the Committee

This bill, as amended, will update RSA 153:5 as it pertains to the State Fire Code and driveway permits. In order to clarify final authority, this legislation establishes that the State Fire Code shall not supersede the determination of local land use and planning boards for residential driveway approvals. Additionally, before issuing the approval, the local land use boards must give due consideration to any written recommendations of the municipal Fire Chief regarding fire department access.

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of HB296

Docket Abbreviations

Bill Title: relative to local authority for granting driveway permits.

Official Docket of **HB296.:**

Date	Body	Description
1/9/2023	H	**Introduced** (in recess of) 01/05/2023 and referred to Public Works and Highways **HJ 3** P. 10
1/11/2023	H	Public Hearing: 01/25/2023 03:00 pm LOB 201-203
2/23/2023	H	Executive Session: 03/06/2023 09:00 am LOB 201-203
3/9/2023	H	Committee Report: Ought to Pass with Amendment **#2023-0743h** 03/06/2023 **(Vote 17-0; cc) HC 15** P. 7
3/16/2023	H	Amendment **#2023-0743h**: AA VV 03/16/2023 **HJ 9** P. 22
3/16/2023	H	**Ought to Pass with Amendment** 2023-0743h: MA VV 03/16/2023 **HJ 9** P. 22
3/21/2023	S	Introduced 03/16/2023 and Referred to Election Law and Municipal Affairs; **SJ 11**
3/22/2023	S	**Hearing:** 03/28/2023, Room 103, LOB, 09:45 am; **SC 15**
4/4/2023	S	Committee Report: Ought to Pass with Amendment **#2023-1316s**, 04/13/2023; Vote 5-0; CC; **SC 17**
4/13/2023	S	Committee Amendment **#2023-1316s**, AA, VV; 04/13/2023; **SJ 13**
4/13/2023	S	**Ought to Pass with Amendment** 2023-1316s, MA, VV; OT3rdg; 04/13/2023; **SJ 13**
6/15/2023	H	House Concurs with Senate Amendment 2023-1316s (Rep. McConkey): MA VV 06/15/2023 **HJ 16** P. 3
7/18/2023	S	Enrolled Adopted, VV, (In recess 06/29/2023); **SJ 20**
7/19/2023	H	Enrolled (in recess of) 06/29/2023 **HJ 17** P. 18
8/9/2023	H	Signed by Governor Sununu 08/04/2023; Chapter 187; eff: 10/03/2023 **HJ 17**

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 2916 **Senate Committee:** EHMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee

X All Calendar Notices

X Hearing Sign-up sheet(s)

X Prepared testimony, presentations, & other submissions handed in at the public hearing

X Hearing Report

N/A Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

X - amendment # 12365 X - amendment # 13165

___ - amendment # _____ ___ - amendment # _____

X Executive Session Sheet

X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

A as amended by the senate ___ as amended by the house

A final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Tricia Mello 7/26/23

Committee Aide **Date**

Senate Clerk's Office AV