

Senate Commerce Committee

Aaron Jones 271-2609

SB 564, prohibiting certain municipal development restrictions.

Hearing Date: January 20, 2026

Time Opened: 10:17 a.m.

Time Closed: 10:26 a.m.

Members of the Committee Present: Senators Innis, Ricciardi, McGough, Fenton and Reardon

Members of the Committee Absent : Senator Murphy

Bill Analysis: This bill prohibits municipalities from placing limits on maximum road length and imposing a numerical cap on the number of housing lots on a dead-end road or street. The bill also permits municipalities to place utilities within open space or perimeter buffer areas of subdivisions.

Sponsors:

Sen. Innis

Sen. Lang

Sen. Sullivan

Sen. Watters

Sen. Murphy

Rep. Alexander Jr.

Rep. Harvey-Bolia

Rep. Read

Rep. Sellers

Who supports the bill: Senator Daniel Innis, Matt Mayberry (NH Home Builders), Natch Greyes (BIA), Nick Taylor (Housing Action), Heidi Kroll (NH Association of Realtors), Nancy Bishop, Tyler Kiliulis

Who opposes the bill: Brodie Deshaies (NHMA), Daniel Richardson, Carol Foss, Michaela Janowski, Tim Corwin (NH Planners Association)

Who is neutral on the bill: No one

Summary of testimony presented in support:

Senator Daniel Innis

- Last year, the Legislature passed legislation to address affordability and the lack of housing within the state.
- This bill would prohibit municipalities from setting arbitrary limits on maximum road length and imposing a numerical cap on housing lots on dead-end roads or streets. Also, this bill would allow municipalities to place utilities within open space or perimeter buffer areas of subdivisions.
- This bill would not limit the authority of municipalities to enforce health, safety, and environmental protections for wetlands and protected shoreland; it would

not eliminate planning board and conservation commission review; and it would not override compliance with the State Fire Code.

- Senator Innis said the State Fire Marshal, Sean Toomey, was comfortable with this bill as it is written.

Matt Mayberry, CEO, New Hampshire Home Builders Association

- If there is a well, fire hydrants can be added.
- This bill would not reduce lot sizes or setbacks.
- Mr. Mayberry asked how a home at the end of a dead-end road could pose a public safety risk.
- The State Fire Code does not focus on the length of a road; instead, it is focused on its width to ensure fire trucks or ambulances can pass each other.
- Mr. Mayberry said this was about private property rights, and the ability of an owner to develop their property safely.
- In New Hampshire, the average length of a private dead-end road is 1,000 yards.
- One municipality, for example, capped roads between 800 and 850 feet yet the property went another 40 acres behind it.

Summary of testimony presented in opposition:

Brodie Deshaies, New Hampshire Municipal Association

- Preventing the capping of maximum dead-end road length would encourage development beyond the reach of fire hoses. Many municipalities impose these caps in their local zoning to ensure there is adequate access to water.
- This bill would limit the ability of municipalities to require connectivity requirements in their subdivision regulations. Consequently, Mr. Deshaies said this would counter the public safety goals of land use regulations.
- Once a road is beyond a certain length, municipalities require an additional road to ensure there are multiple access points for public safety personnel to reach residences in the case of emergencies.
- The State Fire Code addresses egress and width, but it does not address road length requirements.
- In Section 2, Roman 2, unlimited housing lots on a dead-end road could allow for unlimited new housing units without adequate consideration for local infrastructure capacity.
 - Mr. Deshaies said this would promote scattered and premature development, which is when the development of land may lack water supply, drainage, transportation, fire protection, or other public service necessities that may require the expenditure of public funds to supply services.

- A lack of services has a negative impact on the general welfare of the public, increases public safety risks, and requires taxpayers to cover costs.
- This section would conflict with RSA 674:36, II, which explicitly allows municipalities through subdivision review to prevent the unlimited subdivision of land if it imposes safety risks.
- Mr. Deshaies said they were concerned with Section 2, paragraphs 1 and 2, because it would allow for the proliferation of high-density housing at the end of dead-end roads without adequate access to water or fire suppression. This has caused concern specifically among rural fire chiefs.
- While well intentioned, Mr. Deshaies said paragraph 3 was contrary to open space subdivision and cluster developments that are used by at least 170 municipalities to encourage more housing development.
- Mr. Deshaies said this bill created risk and harm to new residents that move in where there is no adequate fire suppression. It also would conflict with open space subdivisions or cluster developments that have become a way for municipalities to gain support from their voters to increase housing stock in their communities.

Neutral Information Presented: None

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Date Hearing Report completed: January 21, 2026