

Senate Commerce Committee

Aaron Jones 271-2609

SB 508, relative to the zoning board of adjustments appeal period.

Hearing Date: January 27, 2026

Time Opened: 11:42 a.m.

Time Closed: 11:55 a.m.

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

Members of the Committee Absent : Senator Innis

Bill Analysis: This bill requires that all grounds for appeal must be stated in the initial notice to the zoning board of adjustments and outlines revision of plans.

Sponsors:

Sen. Murphy
Sen. McGough
Sen. Carson

Sen. Sullivan
Sen. Innis

Sen. Pearl
Sen. Ward

Who supports the bill: Senator Keith Murphy, Senator Ruth Ward, Senator Daniel Innis, Senator Tim McGough, Senator Howard Pearl, Natch Greyes (BIA), Matt Mayberry (NH Home Builders), Jack Ruderman (NH Housing), Kate Coon, Hope Driscoll

Who opposes the bill: Brodie Deshaies (NHMA), Daniel Richardson

Who is neutral on the bill: No one

Summary of testimony presented in support:

Senator Keith Murphy

- The Senate passed SB 170 last year, but it did not make it through the House.
- When an applicant submits plans to a planning office, the planning board would provide feedback, and an applicant would address the feedback. If the concerns are addressed, approval would be granted.

Matt Mayberry, CEO, New Hampshire Home Builders Association

- Mr. Mayberry said there was a difference between collaboration and coercion.
- If an individual wanted to develop land, they would bring the concept to the planning body for feedback. When it moves forward, the developer would go to

the technical review committee. This committee is composed of stakeholders from planning, life safety, water, and sewer. Ideally, the committee would state where they would like the fence, trees, playgrounds, and utilities to go. When they have come to an agreement, and changes have been made, a permit should be granted.

- Mr. Mayberry said there was a developer who had requested trees along the side of a road. When the trees were placed, the developer went back to the planning department, which found the trees were too far apart. The developer moved them closer, but when they went back to get approval, they were told the trees needed to be conifers instead of deciduous. When the developer went back for a third time, they were told a fence needed to be behind the trees.
- When a municipality asks for something to be done, and a developer is willing to do it, Mr. Mayberry said that should be it.
- Mr. Mayberry said certain issues like life safety or impervious pavements are addressed earlier in the process.
- When a municipality does not want to issue certificates of occupancy, Mr. Mayberry said they drag their feet.
- Mr. Mayberry recognized three days was aggressive, but builders were asking for consistency.
- **Senator Ricciardi** asked if it would be helpful if communications were in writing instead of a verbal back and forth.
 - **Mr. Mayberry** said you could get it in writing and go to the planning department; however, they could change their minds and there is nothing a builder can do.

Summary of testimony presented in opposition:

Brodie Deshaies, New Hampshire Municipal Association

- The Association was neutral on Section 1, which would require that the notice of appeal to the zoning board of adjustments have all grounds of the appeal stated in the initial notice. This would benefit the zoning board of adjustments and other interested parties involved receiving the grounds for appeal.
- The Association opposed Section 2 because it would mandate municipalities stamp and accept site plans or subdivision plats. An identical proposal was tabled in the House.
- 3 business days was not enough notice for town employees to fully review submissions to ensure they comply with local site plan and subdivision regulations as well as other zoning ordinances. Municipalities would be forced to accept and stamp site plans and subdivision plats, even if they did not meet local regulations or zoning.
- Under RSA 91-A, it would be impossible for a planning board to meet noticing requirements. This is necessary for a full board review and input as well as to allow an applicant an opportunity to present to the planning board.

- While municipalities could request alterations once within a 3-day period, it would not be by the planning board due to the extremely narrow timeframe proposed.
- Initial review would be completed by a technical review committee made up of municipal officials or designated members from the planning department who review large site plans or subdivisions.
- If plans meet initial requirements, but they violate others as the plans change, there would be no remedy for ensuring compliance. Mr. Deshaies said this would nullify all site plan and subdivision review regulations in accordance with RSA 674:35 and RSA 674:43-44.
- By law, planning boards are required to help applicants get their plans approved, and it can take time to educate and work with them. Applicants also benefit because they can educate the planning board and public.
- **Senator Fenton** said 3 days scared him too because it was fast, especially when a municipality has a limited budget and workforce. On Line 19, it states “Planning boards shall not require multiple rounds of revisions beyond those originally requested.” He asked what happened during the planning process right now, and if circumstances change as new information becomes available.
 - **Mr. Deshaies** said under current law, a planning board can adopt site plan regulations if they are able to. Initially, an individual will submit their plans to the planning or building department, which are reviewed by the department or a technical review committee composed of local officials. The initial review ensures the plan has met existing regulations related to design, setbacks, impervious surfaces, parking, or traffic patterns. These components are mostly related to health, safety, and general welfare. As plans are revised by engineers and architects, there might be violations in their revisions. This is a continuous process as new information and designs are brought forward. The goal is for the planning board or department to work with an applicant on plans that can be approved.
- **Senator Fenton** said he was fearful this bill encouraged litigation.
 - **Mr. Deshaies** replied that was right, this would prevent a collaborative and continuous process of ensuring that a site plan has met regulations. Health, safety, and general welfare are important things for municipalities to have oversight over as projects move forward.

Neutral Information Presented: None