CHAPTER 130
HB 1359 - FINAL VERSION

2024 SESSION

24-2277
12/08

HOUSE BILL ***1359***

AN ACT relative to appeals of certain zoning decisions by abutters.

SPONSORS: Rep. L. Turcotte, Straf. 4; Rep. Alexander Jr., Hills. 29; Sen. Perkins Kwoka, Dist 21; Sen. Innis, Dist 7

COMMITTEE: Municipal and County Government

ANALYSIS

This bill adds to the definition of "abutter" and includes abutters in appeals to the board of adjustment.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT relative to appeals of certain zoning decisions by abutters.

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

130:1 Abutters Rights to Appeal to the Board of Adjustment. Amend RSA 676:5, I to read as follows:

I. Appeals to the board of adjustment concerning any matter within the board's powers as set forth in RSA 674:33 may be taken by [~~any person aggrieved~~] ***the applicant, an abutter as defined by RSA 672:3,*** or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

130:2 Motion for Rehearing; Abutters; Board of Adjustment; Board of Appeals. Amend RSA 677:2 to read as follows:

677:2 Motion for Rehearing of Board of Adjustment, Board of Appeals, and Local Legislative Body Decisions.

Within 30 days after any order or decision of the zoning board of adjustment, or any decision of the local legislative body or a board of appeals in regard to its zoning, the selectmen, any party to the action or proceedings, or [~~any person directly affected thereby~~] ***an abutter as defined by RSA 672:3*** may apply for a rehearing in respect to any matter determined in the action or proceeding, or covered or included in the order, specifying in the motion for rehearing the ground therefor; and the board of adjustment, a board of appeals, or the local legislative body, may grant such rehearing if in its opinion good reason therefor is stated in the motion. This 30-day time period shall be counted in calendar days beginning with the date following the date upon which the board voted to approve or disapprove the application in accordance with RSA 21:35; provided however, that if the moving party shows that the minutes of the meeting at which such vote was taken, including the written decision, were not filed within 5 business days after the vote pursuant to RSA 676:3, II, the person applying for the rehearing shall have the right to amend the motion for rehearing, including the grounds therefor, within 30 days after the date on which the written decision was actually filed. If the decision complained against is that made by a town meeting, the application for rehearing shall be made to the board of selectmen, and, upon receipt of such application, the board of selectmen shall hold a rehearing within 30 days after receipt of the petition. Following the rehearing, if in the judgment of the selectmen the protest warrants action, the selectmen shall call a special town meeting.

130:3 Abutter; Definition. Amend RSA 672:3 to read as follows:

672:3 Abutter.

"Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. *"Directly across the street or stream" shall be determined by lines drawn perpendicular from all pairs of corner boundaries along the street or stream of the applicant to pairs of projected points on any property boundary across the street or stream that intersect these perpendicular lines. Any property that lies along the street or stream between each pair of projected points, or is withing 50 feet of any projected point shall be considered an abutter.* For purposes of receiving testimony only, and not for purposes of notification, the term " abutter " shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term " abutter " includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

130:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 03, 2024
Effective Date: September 01, 2024