

Amendment to HB 1202-FN

1 Amend the bill by replacing section 1 with the following:

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3 1 Driveway Construction Permits. Amend RSA 236:13, IV-V to read as follows:

4 IV. No construction permit shall allow:

5 (a) A driveway, entrance, exit, or approach to be constructed more than 50 feet in width,
6 except that a driveway, entrance, exit, or approach may be flared beyond a width of 50 feet at its
7 junction with the highway to accommodate the turning radius of vehicles expected to use the
8 particular driveway, entrance, exit or approach.

9 (b) More than 2 driveways, entrances, exits, or approaches from any one highway to any
10 one parcel of land unless the frontage along that highway exceeds 500 feet.

11 ***IV-a. For any existing or proposed residential use of land, including multifamily***
12 ***development, the department shall issue the permit described in paragraph II within 30***
13 ***days of filing. If the department fails to approve or deny a permit within that time it shall***
14 ***issue a permit by default, which shall allow the applicant to proceed with the project as***
15 ***presented in the application. Such default permit shall be issued by the department within***
16 ***5 business days following default and may contain a statement indicating that the***
17 ***department has not fully reviewed the plan. The department and the applicant may by***
18 ***mutual agreement extend any of the deadlines in this section.***

19 V. The same powers concerning highways under their jurisdiction as are conferred upon the
20 commissioner of transportation by paragraphs I, II, III, and IV shall be conferred upon the planning
21 board or governing body in cities and towns in which the planning board or governing body has been
22 granted the power to regulate the grading and improvement of streets within a subdivision as
23 provided in RSA 674:35, and they shall adopt such regulations as are necessary to carry out the
24 provisions of this section. Such regulations may delegate administrative duties, including actual
25 issuance of permits, to a highway agent, board of selectmen, or other qualified official or body. Such
26 regulations, or any permit issued under them, may contain provisions governing the breach,
27 removal, and reconstruction of stone walls or fences within, or at the boundary of, the public right of
28 way, and any landowner or landowner's agent altering a boundary in accordance with such
29 provisions shall be deemed to be acting under a mutual agreement with the city or town pursuant to
30 RSA 472:6, II(a). ***The planning board or its delegate shall not be subject to the timelines in***
31 ***paragraph IV-a, but its regulations shall specify a reasonable time for it or its delegate to***
32 ***act on permits under this section, which shall not exceed 65 days.***