

Rep. Beaulier, Graf. 1  
Rep. Kuttab, Rock. 17  
January 23, 2026  
2026-0274h  
12/05

Amendment to HB 1010

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to multi-family residential development on commercially zoned land.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Multi-Family Residential Development on Commercially Zoned Land; Amendment to Zoning  
8 Regulations; Conversion of Multi-Family Dwelling Units Permitted. Amend RSA 674:80 to read as  
9 follows:

10 674:80 Amendment to Zoning Regulations.

11 I. Notwithstanding any provision to the contrary, municipalities shall allow multi-family  
12 ~~[residential development]~~ ***dwelling units, as defined in RS 674:43, I*** on commercially zoned land,  
13 provided that adequate infrastructure, including roads, water, and sewage systems, shall be  
14 available ~~[or provided]~~ to support the development. ***Where infrastructure is not adequate it may***  
15 ***be provided by the applicant in accordance with regulations. In determining whether***  
16 ***infrastructure is adequate, the planning board may:***

17 (a) ***For road infrastructure, require a traffic impact study to ascertain the***  
18 ***potential impacts to the existing traffic conditions in the vicinity of the project, including***  
19 ***but not limited to, the ability of existing road infrastructure to accommodate increased***  
20 ***vehicular traffic, the availability of sidewalks, and infrastructure to ensure pedestrian***  
21 ***safety.***

22 (b) ***For water infrastructure, require that the applicant receive permission from***  
23 ***the operator of a public water system to connect to the system or, in the absence of a public***  
24 ***water system, receive a well permit from the department of environmental services to***  
25 ***install a well. However, in accordance with local regulations established pursuant to RSA***  
26 ***674:36 or 674:44, II, a planning board may require as part of the complete application a***  
27 ***water supply study conducted by a hydrogeologist, geologist, or engineer with experience in***  
28 ***water supply issues if the applicant proposes to use a well that will not be subject to***  
29 ***regulation as a community water system under RSA 485:1-a, I or a large groundwater***  
30 ***withdrawal under RSA 485-C:2, IX-a, as the water supply for the project.***

1           (c) *For sewage infrastructure, require that the applicant receive permission*  
2 *from the operator of a public sewer within the boundary prescribed by RSA 147:8 or as*  
3 *negotiated between the applicant and operator to connect to the system.*

4           II. *The planning board may deny an application submitted pursuant to paragraph*  
5 *I, if the planning board determines that:*

6           (a) *The volume of traffic is not supported by the road design at the conclusion of*  
7 *construction or the developments layout and design does not ensure pedestrian safety;*

8           (b) *The applicant is unable to secure a source of water, or, if applicable, the*  
9 *water supply study determines that one or more neighboring wells will be unable to meet*  
10 *existing demands; or*

11           (c) *The applicant is unable to dispose of wastewater and sewage in accordance*  
12 *with regulations.*

13           III. Nothing in this section shall be interpreted to prohibit municipalities from restricting  
14 residential development in zones where industrial and manufacturing uses are permitted which may  
15 result in impacts that are incompatible with residential use, such as air, noise, **dust, glare,**  
16 **vibration,** odor, or transportation impacts.

17           ~~III.]~~ IV. A municipality may require all available ground floor space or a percentage thereof  
18 to be dedicated to retail or similar uses.

19           ~~IV.]~~ V. A municipality ~~[shall provide an exemption to any requirements regarding setbacks,~~  
20 ~~height, or frontage of a building being converted to multi-family or mixed-use through adaptive~~  
21 ~~reuse, provided that the building's floor area, height, and setbacks do not change]~~ **shall allow**  
22 **nonconforming structures to be converted to multi-family dwelling units or mixed use**  
23 **provided that the structure is not altered to further violate zoning district dimensional**  
24 **requirements.**

25           VI. *Nothing in this section shall be construed to exempt proposed multi-family*  
26 *dwelling units on commercially zoned land from subdivision or site plan review*  
27 *regulations.*

28           2 Effective Date. This act shall take effect July 1, 2026 at 12:01 a.m.

**Amendment to HB 1010**  
**- Page 3 -**

2026-0274h

AMENDED ANALYSIS

This bill:

I. Permits municipalities to allow multi-family dwelling units on commercially zoned land, subject to the local planning board confirming the infrastructure is adequate.

II. Authorizes the local planning board to deny applications to build multi-family dwelling units on commercially zoned land in certain circumstances.

III. Removes the ability for municipalities to provide an exception for requirements relative to the conversion of structures into multi-family dwelling units, and replaces such exception to permit the waiver of requirements so long as the converted dwelling unit is not altered to further violate zoning dimensional requirements.