

SB 439 - AS INTRODUCED

2026 SESSION

26-2236

06/09

SENATE BILL **439**

AN ACT relative to municipal data center zoning.

SPONSORS: Sen. Altschiller, Dist 24; Rep. Damon, Sull. 8

COMMITTEE: Election Law and Municipal Affairs

ANALYSIS

This bill authorizes municipalities to regulate data centers in commercial and industrial zones.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to municipal data center zoning.

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

1 1 New Subdivision; Data Centers. Amend RSA 674 by inserting after section 80 the following
2 new subdivision:

3 Data Centers

4 674:81 Definition. In this subdivision, “data center” means a facility used primarily for the
5 storage, processing, management, and transmission of digital data. “Data center” does not include a
6 facility that does not exceed 10 percent of the gross floor area of all on-site buildings, is used to serve
7 the enterprise functions of the on-site property owner, and is not used to lease data services to third
8 parties.

9 674:82 Zoning Authority to Permit Data Centers.

10 I. A local legislative body may permit the establishment of data centers within zoning
11 districts designated for commercial or industrial use, subject to the provisions of this subdivision and
12 local land use regulations adopted pursuant to this title.

13 II. Data centers shall not be permitted within 2,640 feet of a passenger rail station or other
14 high-capacity transit facility approved by the municipality or the department of transportation.

15 III. No data center shall be approved until the applicant has provided written confirmation
16 from the serving electric utility that adequate electrical capacity shall be available to meet the
17 facility’s projected energy demand within 2 years of construction.

18 IV. Noise levels generated by a data center located within 300 feet of a residential district
19 shall not exceed the ambient noise level at the property line of the nearest residentially zoned parcel
20 by more than 5 percent. The applicant shall submit a noise study performed by a qualified
21 acoustical engineer to the planning board prior to site plan approval.

22 674:83 Design and Siting Standards.

23 I. All mechanical and electrical equipment, including but not limited to transformers and
24 generators, shall be set back a minimum of 150 feet from any public right-of-way or residentially
25 zoned property and shall be fully screened by an architecturally integrated structure or decorative
26 wall.

27 II. A minimum 30-foot-wide perimeter landscape buffer shall be provided, including at least
28 2 staggered rows of large canopy trees spaced 20 feet on center and sufficient underplanting to
29 achieve 75 percent live vegetative coverage.

30 III. Building facades exceeding 100 feet in length shall include architectural variations in
31 color, material, pattern, texture, height, or fenestration to avoid large, monolithic surfaces.

1 IV. All street frontages shall include a detached sidewalk at least 6 feet in width, separated
2 from the curb by a landscaped strip at least 8 feet in width planted with large canopy street trees at
3 20-foot spacing or equivalent groupings.

4 V. On-site pedestrian pathways shall be shaded by structures, plantings, or both to provide
5 a minimum of 75 percent shade coverage at maturity.

6 674:84 Rulemaking.

7 The planning board, with the approval of the local legislative body, may adopt regulations
8 necessary to implement this subdivision, including additional performance, screening, or design
9 standards, consistent with the purpose of this subdivision.

10 2 Effective Date. This act shall take effect 60 days after its passage.