

Committee of Conference Report on SB 564, prohibiting certain municipal development restrictions.

Recommendation:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by replacing sections 2 and 3 with the following:

2 New Section; Prohibition of Certain Municipal Development Restrictions. Amend RSA 674 by inserting after section 21-a the following new section:

674:21-b Prohibition of Certain Municipal Development Restrictions.

I. Municipalities shall not limit maximum road length so as to impede development, provided that the proposed roadway or extension thereof fully complies with the state fire code.

II. Municipalities shall not impose a cap on the number of housing lots on a dead-end road or street unless such cap is contained in the state fire code, and provided that the proposed lots otherwise comply with current zoning restrictions or requirements.

III. Municipalities shall permit the placement of utilities, including but not limited to septic systems, wells, electric distribution, drainage structures, stormwater management structures, and other utilities or improvements appurtenant to any utility, within or along any buffer areas. Buffer areas include, but are not limited to, any perimeter buffers, residential buffers, wetland buffers, setbacks, open space, or conservation areas of a subdivision or lot, unless such buffer areas are wetlands as defined in RSA 482-A:2, X or protected shoreland as defined in RSA 483-B:4, XV.

IV. Municipalities shall not impose additional restrictions or requirements regarding building or lot size for affected properties before the effective date of this section.

V. Nothing in this section shall be construed to otherwise limit the authority of municipalities to enforce generally applicable health, safety, environmental, or building standards; to conduct planning board and conservation commission review; or to impose reasonable conditions necessary to ensure compliance with the state fire code, RSA 483-B, or as otherwise required by state law.

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

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The signatures below attest to the authenticity of this Report on SB 564, prohibiting certain municipal development restrictions.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Innis, Dist. 7

Rep. Alexander Jr., Hills. 29

Sen. Murphy, Dist. 16

Rep. Dumont, Hills. 13

Sen. Perkins Kwoka, Dist. 21

Rep. Reinfurt, Hills. 29

Rep. Howland, Straf. 20

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AMENDED ANALYSIS

This bill:

- I. Prohibits municipalities from placing limits on maximum road length.
- II. Prohibits municipalities from imposing a cap on the number of housing lots on a dead-end road or street, unless such cap is contained in state fire code, and provided that the proposed lots otherwise comply with current zoning restrictions and requirements.
- III. Prohibits municipalities from imposing additional restrictions or requirements regarding building or lot size for affected properties before the effective date of the act.
- IV. Permits municipalities to place utilities within or along buffer areas.