

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 in compliance with the state fire code and National Fire Protection Association (NFPA) standard 1141, 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, within or along any designated buffer areas, including but not limited to perimeter buffers, residential buffers, setbacks, and open space areas of a subdivision or lot, provided that such areas are not wetlands as defined in RSA 482-A:2, X and that such areas are not protected shoreland as defined in RSA 483-B:4, XV.

IV. 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 wetland buffers or conservation areas of a subdivision or lot by a special exception or conditional use permit, provided that such areas are not wetlands as defined in RSA 482-A:2, X and that such areas are not protected shoreland as defined in RSA 483-B:4, XV.

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

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

39 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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2026-2108-CofC

AMENDED ANALYSIS

This bill:

I. Prohibits municipalities from placing limits on maximum road length, provided that the proposed roadway or extension fully complies with state fire code.

II. Prohibits municipalities from imposing a cap on the number of housing lots on a dead-end road or street, unless such cap is in compliance with state fire code and National Fire Protection Association standard 1141, and provided that the proposed lots otherwise comply with current zoning restrictions and requirements.

III. Requires municipalities to allow the placement of utilities within or along buffer areas, or wetland buffers or conservation areas of a subdivision or lot by a special exception or conditional use permit.

IV. Prohibits municipalities from imposing additional restrictions or requirements regarding building or lot size for affected properties before the effective date of the act.