



**New Hampshire Planners Association
PO Box 3458
Concord, NH 03302**

April 7, 2026

The Honorable Diane Pauer, Chairman
Municipal and County Government Committee
Concord, NH 03301

Re: SB 439 – relative to municipal data center zoning

Dear Representative Pauer:

The New Hampshire Planners Association (NHPA), representing close to 200 land use planning professionals in our state working at all levels of government and in the private sector, takes this opportunity to express opposition to certain provisions of SB 439, which mandates that local zoning ordinances allow data centers within zoning districts designated for commercial and industrial use.

The most concerning section is proposed RSA 674:83, titled “Rulemaking,” which provides that, “[t]he planning board, with the approval of the local legislative body, may adopt regulations as necessary.” This provision is at odds with the existing statutory framework for the adoption of local land use regulations whereby zoning regulations are adopted by the legislative body and site plan and subdivision regulations are adopted by the planning board.

If the intent is to allow adoption of data center-specific performance criteria within the zoning ordinance, proposed RSA 674:83 should be amended to give the legislative body the authority to adopt such regulations subject to the applicable procedures set forth in RSA 675:2, *et seq.* We would further recommend allowing municipalities to require data centers to obtain Special Exception approval from the zoning board of adjustment so that compliance with the adopted regulations can be fairly and objectively determined.

Conversely, if the intent is to allow data-center specific criteria within the site plan review regulations, proposed RSA 674:83 should be stricken entirely since the planning board already has the power to adopt generally applicable site plan review regulations per RSA 674:44.

Thank you for this opportunity to comment.

Sincerely,

Timothy J. Corwin, Esq., AICP
Legislative Liaison
NH Planners Association

NHPA Mission Statement: The New Hampshire Planners Association promotes, assists, and supports the professional planner in the goal of achieving planning excellence to improve the quality of life today and tomorrow in New Hampshire’s communities.