



April 16, 2013

The Honorable Shannon Chandley, Chair  
Resources, Recreation & Development Committee  
Legislative Office Building, Room 305  
Concord, NH 03301

***Subject: SB 124, establishing an integrated land development permit.***

Dear Representative Chandley:

In addition to establishing an integrated land development permit process for the New Hampshire Department of Environmental Services, SB 124 contains an important amendment clarifying how local land use applications are processed. The New Hampshire Planners Association, representing over 200 land use planning professionals in our state, working at all levels of government and in the private sector, takes this opportunity to express its support for this legislation.

Although highly supportive of the proposed integrated land development process proposed under this bill, the NHPA is keenly interested and supportive in particular of subsections 3, 4, and 5 which amend the local land use application process. The amendments relate to HB 328, enacted by the Legislature in 2010, which was designed to attempt to address a long-standing legal question: can the planning board require an applicant to get other necessary permits for a proposal prior to submitting a subdivision or site plan application.

Although laudable in intent, the enactment of this bill left some ambiguity. Specifically, RSA 676:4, I(b) was amended to provide that “[a]n application shall not be considered incomplete solely because it is dependent upon the issuance of permits or approvals from *other governmental bodies*” (emphasis added). The result of this language is that it created confusion as to whether a planning board must accept an application for something that would obviously violate zoning.

Fortunately, SB 124 will amend RSA 676:4, I(b) to provide that “[a]n application shall not be considered incomplete solely because it is dependent upon the *submission of an application to or the* issuance of permits or approvals from other *state or federal* governmental bodies.” With this language, the legislature will clarify the ambiguity created under HB 328: planning boards will be empowered to require applicants to first obtain variance relief before proceeding to the planning board, if and when necessary. We believe that the framework created by this legislation is fundamentally fair to both applicants and municipalities, and is consistent with principles of good planning and local control.

For these reasons, we urge your committee to recommend HB 278 as “ought to pass.” Thank you for this opportunity to provide comment on the bill.

Sincerely,

Timothy J. Corwin, Esq.  
NHPA Legislative Liaison