

TITLE LXIV

PLANNING AND ZONING

Chapter 674

LOCAL LAND USE PLANNING AND REGULATORY POWERS

Master Plan

Section 674:1

674:1 Duties of the Planning Board. –

I. It shall be the duty of every planning board established under RSA 673:1 to prepare and amend from time to time a master plan to guide the development of the municipality. A master plan may include consideration of any areas outside the boundaries of the municipality which in the judgment of the planning board bear a relation to or have an impact on the planning of the municipality. Every planning board shall from time to time update and amend the adopted master plan with funds appropriated for that purpose by the local legislative body. In preparing, amending, and updating the master plan:

(a) The planning board shall have responsibility for promoting interest in, and understanding of, the master plan of the municipality. In order to promote this interest and understanding, the planning board may publish and distribute copies of the master plan, or copies of any report relating to the master plan, and may employ such other means of publicity and education as it may deem advisable.

(b) The planning board shall also have authority to make any investigations, maps and reports, and recommendations which relate to the planning and development of the municipality.

II. The planning board may:

(a) From time to time report and recommend to the appropriate public officials and public agencies programs for the development of the municipality, programs for the erection of public structures, and programs for municipal improvements. Each program shall include recommendations for its financing. It shall be part of the planning board's duties to consult with and advise public officials and agencies, public utility companies, civic organizations, educational organizations, professional organizations, research organizations, and other organizations, and to consult with citizens, for the purposes of protecting or carrying out of

the master plan as well as for making recommendations relating to the development of the municipality.

(b) Upon request advise the governing body as to whether proposed ordinances and bylaws regarding the maintenance and operation of stormwater systems under RSA 149-I:6, I-a are consistent with the master plan.

III. Members of the planning board, when duly authorized by the board as a whole, may attend municipal planning conferences or meetings, or hearings upon pending municipal planning legislation. The planning board may by majority vote authorize the payment of reasonable expenses incident to such attendance.

IV. The planning board, and its members, officers, and employees, in the performance of their functions may, by ordinance, be authorized to enter upon any land and make such examinations and surveys as are reasonably necessary and place and maintain necessary monuments and marks and, in the event consent for such entry is denied or not reasonably obtainable, to obtain an administrative inspection warrant under RSA 595-B.

V. The planning board may, from time to time, recommend to the local legislative body amendments of the zoning ordinance or zoning map or additions thereto.

VI. In general, the planning board may be given such powers by the municipality as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purposes of this title. Such powers shall not include regulating timber harvesting operations that are not part of a subdivision application or a development project subject to site plan review under this chapter.

Source. 1983, 447:1. 1991, 231:12. 2011, 85:3. 2015, 247:2, eff. Sept. 11, 2015.

Section 674:2

674:2 Master Plan; Purpose and Description. –

I. The purpose of the master plan is to set down as clearly and practically as possible the best and most appropriate future development of the area under the jurisdiction of the planning board, to aid the board in designing ordinances that result in preserving and enhancing the unique quality of life and culture of New Hampshire, and to guide the board in the performance of its other duties in a manner that achieves the principles of smart growth, sound planning, and wise resource protection.

II. The master plan shall be a set of statements and land use and development principles for

the municipality with such accompanying maps, diagrams, charts and descriptions as to give legal standing to the implementation ordinances and other measures of the planning board. Each section of the master plan shall be consistent with the others in its implementation of the vision section. The master plan shall be a public record subject to the provisions of RSA 91-A. The master plan shall include, at a minimum, the following required sections:

(a) A vision section that serves to direct the other sections of the plan. This section shall contain a set of statements which articulate the desires of the citizens affected by the master plan, not only for their locality but for the region and the whole state. It shall contain a set of guiding principles and priorities to implement that vision.

(b) A land use section upon which all the following sections shall be based. This section shall translate the vision statements into physical terms. Based on a study of population, economic activity, and natural, historic, and cultural resources, it shall show existing conditions and the proposed location, extent, and intensity of future land use.

III. The master plan **may** also include the following sections:

(a) A transportation section which considers all pertinent modes of transportation and provides a framework for both adequate local needs and for coordination with regional and state transportation plans. Suggested items to be considered may include but are not limited to public transportation, park and ride facilities, and bicycle routes, or paths, or both.

(b) A community facilities section which identifies facilities to support the future land use pattern of subparagraph II(b), meets the projected needs of the community, and coordinates with other local governments' special districts and school districts, as well as with state and federal agencies that have multi-jurisdictional impacts.

(c) An economic development section which proposes actions to suit the community's economic goals, given its economic strengths and weaknesses in the region.

(d) A natural resources section which identifies and inventories any critical or sensitive areas or resources, not only those in the local community, but also those shared with abutting communities. This section, which may specifically include a water resources management and protection plan, shall provide a factual basis for any land development regulations that may be enacted to protect water resources and other identified natural areas. A key component in preparing this section is to identify any conflicts between other elements of the master plan and natural resources, as well as conflicts with plans of abutting communities. Nothing in this subparagraph shall be construed to permit

municipalities to regulate surface or groundwater withdrawals that they are explicitly prohibited from regulating.

(e) A natural hazards section which documents the physical characteristics, severity, frequency, and extent of any potential natural hazards to the community. It should identify those elements of the built environment at risk from natural hazards as well as extent of current and future vulnerability that may result from current zoning and development policies.

(f) A recreation section which shows existing recreation areas and addresses future recreation needs.

(g) A utility and public service section analyzing the need for and showing the present and future general location of existing and anticipated public and private utilities, both local and regional, including telecommunications utilities, their supplies, and facilities for distribution and storage.

(h) A section which identifies cultural, archeological, and historic resources and protects them for rehabilitation or preservation from the impact of other land use tools such as land use regulations, housing, or transportation. Such section may encourage the preservation or restoration of stone walls, provided agricultural practices, as defined in RSA 21:34-a, are not impeded.

(i) A regional concern section, which describes the specific areas in the municipality of significant regional interest. These areas may include resources wholly contained within the municipality or bordering, or shared, or both, with neighboring municipalities. Items to be considered may include but are not limited to public facilities, natural resources, economic and housing potential, transportation, agriculture, and open space. The intent of this section is to promote regional awareness in managing growth while fulfilling the vision statements.

(j) A neighborhood plan section which focuses on a specific geographical area of local government that includes substantial residential development. This section is a part of the local master plan and shall be consistent with it. No neighborhood plan shall be adopted until a local master plan is adopted.

(k) A community design section to identify positive physical attributes in a municipality and provide for design goals and policies for planning in specific areas to guide private and public development.

(l) A housing section which assesses local housing conditions and projects future housing needs of residents of all levels of income and ages in the municipality and the region as identified in the regional housing needs assessment performed by the regional planning commission pursuant to RSA 36:47, II, and which integrates the availability of human services with other planning undertaken by the community.

(m) An implementation section, which is a long range action program of specific actions, time frames, allocation of responsibility for actions, description of land development regulations to be adopted, and procedures which the municipality may use to monitor and measure the effectiveness of each section of the plan.

(n) An energy section, which includes an analysis of energy and fuel resources, needs, scarcities, costs, and problems affecting the municipality and a statement of policy on the conservation of energy.

(o) A coastal management section which may address planning needs resulting from projected coastal property or habitat loss due to increased frequency of storm surge, flooding, and inundation.

Source. 1983, 447:1. 1986, 167:2. 1988, 270:1. 1989, 339:28; 363:15. 2002, 178:2. 2007, 40:1. 2008, 269:1. 2011, 224:118. 2013, 76:1, eff. Jan. 1, 2014; 189:1, eff. Aug. 31, 2013; 202:1, eff. Sept. 7, 2013.

Section 674:3

674:3 Master Plan Preparation. –

I. In preparing, revising, or amending the master plan, the planning board may make surveys and studies, and may review data about the existing conditions, probable growth demands, and best design methods to prevent sprawl growth in the community and the region. The board may also consider the goals, policies, and guidelines of any regional or state plans, as well as those of abutting communities.

II. Revisions to the plan are recommended every 5 to 10 years.

III. During the preparation of the various sections of the master plan, the board shall inform the general public and the office of planning and development and regional planning commissions and solicit public comments regarding the future growth of the municipality in order to involve citizens in the preparation of the master plan in a way which is most appropriate for the municipality.

Source. 1983, 447:1. 2002, 178:3; 229:9. 2003, 319:93. 2004, 257:44, eff. July 1, 2004. 2017, 156:64, eff. July 1, 2017. 2021, 91:198, eff. July 1, 2021.

Section 674:4

674:4 Master Plan Adoption and Amendment. – The planning board may, according to the procedures required under RSA 675:6, adopt the master plan as a whole, or may adopt successive sections or parts of the plan. Sections or parts of the plan shall correspond with major geographical sections or divisions of the municipality, or with the functional elements of the plan, and may incorporate any amendment, extension, or addition to the plan.

Source. 1983, 447:1, eff. Jan. 1, 1984.

TITLE LXIV PLANNING AND ZONING

CHAPTER 675 ENACTMENT AND ADOPTION PROCEDURES

Zoning Ordinance, Historic District Ordinance and Building Code Enactment Procedures

Section 675:6

675:6 Method of Adoption. –

Every local master plan, subdivision regulation, site plan review regulation and historic district regulation referred to in this title shall be adopted or amended by the planning board or historic district commission, as appropriate, in the following manner:

- I. The board or commission, as appropriate, shall hold a public hearing prior to adoption or amendment. Notice for the time and place of the hearing shall be as provided in RSA 675:7.
- II. The board or commission, as appropriate, may adopt or amend the master plan or regulation upon completion of the public hearing by an affirmative vote of a majority of its members.

III. No master plan, regulation, amendment or exception adopted under this section shall be legal or have any force and effect until copies of it are certified by a majority of the board or commission and filed with the city clerk, town clerk, or clerk for the county commissioners.

IV. The historic district commission may adopt or amend regulations only after the commission has held a public hearing within the district. Notice for the time and place shall be as provided in RSA 675:7. The adopted regulations shall be certified by a majority of the historic district commission members and filed with the city clerk, town clerk, or clerk for the county commissioners.

Source. 1983, 447:1. 1985, 103:24. 1989, 266:26, eff. July 1, 1989.