

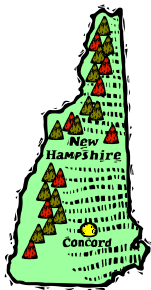
Helping Communities face the challenge and impacts of growth while maintaining community character and a sense of place.

FACT SHEET: 8

iTRaC is the Nashua Regional Planning Commission's new approach to community planning that focuses on integrating transportation, land use and environmental planning. The program was developed to assist communities in dealing with the challenges of growth in a coordinated way that sustains community character and a sense of place.

Guide to New Hampshire Land Use Laws

The laws that govern in New Hampshire are called Revised Statutes Annotated, or RSAs. They are organized into 64 Titles from Title 1, "The State and its Government" to Title 64, "Planning and Zoning." Each Title is divided into Chapters and Sections, which house the specific regulatory provisions. The Statutes are called "annotated" because they include history, case law, and other relevant explanations at the end of each section. RSAs are usually cited by chapter, section number, and specific paragraphs. For example, RSA 672:1, I refers to Chapter 672, section 1, paragraph 1: "Planning, zoning and related regulations have been and should continue to be the responsibility of municipal government."



Take Note!

NH municipalities do not have "home rule!"
Municipalities have only the authority that is specifically granted to them by the legislature; they cannot exercise authority on their own.



Title 64 ~ Planning & Zoning

NH Land Use Laws consist of the 6 chapters found in Title 64 "Planning and Zoning"

General Provisions: Chapter 672 ~ Establishes the general provisions governing planning, zoning and land use boards and defines key words and phrases such as: Abutter (672:3), Local Legislative Body (672:8), Local Land Use Board (672:7), Local Governing Body(672:6), and Subdivision (672:14)

Local Land Use Boards: Chapter 673 ~ Authorizes creation of local boards: Planning Board (673:2), Zoning Board of Adjustment (673:3), Historic District Commission (673:4), and Heritage Commissions (673:4-a)

Planning & Regulatory Powers: Chapter 674 ~ Sets forth the duties and authority of local land use boards to develop planning documents and regulations such as the Master Plan (674:1-4), Zoning Board of Adjustment (674:33-34), Capital Improvements Program (674:5-8), Subdivision Regulation (674:35-44), Zoning (674:16-23), Site Plan Regulations (674:43-44), Historic District (674:45-50), Governmental Use of Property (674:54)

Enactment and Adoption Procedures: Chapter 675 ~ Defines how local regulations are established

Administrative and Enforcement Procedures: Chapter 676 ~ Deals with land use board operations; the use of building permits; what happens when state and local regulations conflict; and various types of penalties and relief for violations

Rehearing and Appeal Procedures: Chapter 677 ~ Addresses the rehearing procedures; appeal and court review of board of adjustment, local legislative body, planning board, building code board of appeals and historic district commission decisions; and the process for a court to deal with invalid ordinances



Nashua Regional
Planning Commission

115 Main Street
PO Box 847
Nashua, NH 03061

Phone: (603) 883-0366
Fax: (603) 883-6572
www.nashuarpc.org

Where do laws come from?

Statutes ~ Developed by the State legislature and may pre-empt, or overrule, local regulations (remember—NH municipalities have no “home rule”!)

Administrative Rules ~ State agencies develop administrative rules to carry out their duties as set forth under the Statutes

Ordinances ~ Legislative body of a local government (example: annual town meeting, town council or Board of Aldermen) votes to enact local ordinances

Regulations ~ Administrative body (ex. Planning Board) develops regulations to implement ordinances

Recent Zoning Changes*

Fixed Penalties for Zoning Violations. RSA 676:17, I ~ fixes penalties for zoning violations at \$275 for the 1st offense and \$550 per day for subsequent violations (effective 1/1/07).

International Residential Code. RSA 155-A:1, IV ~ adds International Residential Code 2000 to the definition of “NH Building Code” or “state building code” (effective date 1/8/06).

National Flood Insurance Program. RSA 674:56 & 57 ~ clarify the authority of municipalities to adopt floodplain ordinances and enable local governing body to adopt flood insurance rate map amendments by resolution (effective 5/25/06).

Protection from Amendments to Zoning, Subdivision or Site Plan Review Regulations. RSA 676:12, VI ~ amended to provide additional protection to applicants from proposed amendments to the zoning ordinance, subdivision, or site plan review regulations. No proposed amendment to a subdivision or site plan review regulation or a zoning ordinance will apply to a plat or application if it has been the “subject of notice” by the planning board under RSA 676:4 I, (d) prior to the first legal notice of a proposed change to a zoning ordinance. In addition, an application for Design Review under RSA 676:4 II, (b) will be protected from proposed zoning, subdivision, or site plan review changes if a formal application is filed with the planning board within 12 months of the end of the design review process (effective 8/14/06).

*For assistance with implementing these changes, see NRPC’s September, 2006 Legislative Alert or call NRPC



For more details on this topic or an overview of the entire iTRaC program, contact Camille Pattison, Integrated Planning Program Manager, to schedule the iTRaC introductory presentation. camillep@nashuarpc.org

