



Helping Communities face the challenges and impacts of growth while maintaining their character and sense of place.

iTRaC is the Nashua Regional Planning Commission's 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

2012 LEGISLATIVE SESSION: Selected Statutes

What is an RSA?

Laws in New Hampshire are called Revised Statutes Annotated, or RSAs. "Annotated" means including notes. RSAs include history, case law, and other relevant explanations at the end of each section. RSAs are organized into 64 Titles from Title 1, "The State and its Government" to Title 64, "Planning and Zoning." Each Title is divided into, and typically cited by, Chapters, Sections, and Paragraphs. Example—RSA 674:4, II refers to Chapter 674, Section 4, Paragraph II.

The following is a partial list of RSAs adopted or amended in the 2012 Legislative Session. The data sources are: NH General Court "Quick Bill Status Search;" NH Municipal Association "2012 Final Legislative Bulletin," July 27, 2012; NH Office of Energy and Planning "Selected 2012 Legislation Relative to Planning and Energy Issues;" and NH Planners Association, Legislative Tracker. To search bills or access the complete documents, click on the following links:

http://gencourt.state.nh.us/bill_status/quick_search.html

<http://www.nhlgc.org/attachments/nhma/Bulletins/2012FinalBulletin.pdf>

http://www.nh.gov/oep/legislation/2012/selected_legislation.htm

<http://www.nhplanners.org> Click on Legislation/Law 2012 Pending Legislation



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Planning and Zoning Changes

SB 291 - *Impact Fees May Be Spent On State Highways* ~ Chapter 106

Chapter 106 (SB 291) provides that if a municipality has collected impact fees for improvements to municipal roads, it may spend those fees on *state* highways within the municipality “for improvement costs that are related to the capital needs created by the development.” However, the municipality is not allowed to collect additional fees for improvements to state highways, or to adopt “new impact fees devoted to assessing impacts to state highways.” The new law also requires every municipality with an impact fee ordinance to prepare an annual report listing all expenditures of impact fee revenue for the prior fiscal year, identifying the capital improvement projects for which the fees were assessed, and stating the dates upon which the fees were assessed and collected. The report must enable the public to track the payment, expenditure, and status of individually collected fees. (*effective date July 28, 2012*)

SB 340 - *Setback Requirements For Junkyards* ~ Chapter 108

This bill allows municipalities that have not enacted a zoning ordinance, the governing body may adopt an ordinance establishing lesser setback requirements than those required under state law for junkyards and automotive recycling yards. (*effective date July 28, 2012*)



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.



SB 38- Extensions For Wetland And Shoreland Permits ~ Chapter 143:1-5

Wetland and Shoreland permits are now valid for a period of 5 years and may be granted one extension for another 5 years provided the applicant meets specified criteria. Stipulations for extensions include permits that have not previously been revoked, the applicant is making progress toward completion, the extension would not violate a condition of law or rule, and sufficient protections are in place to protect the wetland or shoreland during the extension period. (effective date 8-6- 2012)

SB 265 – Definition Of Stormwater ~ Chapter 106

This bill amends the definition of “stormwater” under RSA 149-l:6-a, II to read, “Stormwater” means surface runoff and drainage that is generated from precipitation and snowmelt, including any debris, chemicals, sediment, or other substances carried along with the water.

HB 1380 - Development Of Wetland Mitigation Banks ~ Chapter 74:1-3

RSA 482-A provides water management and protection of wetlands. To support the protection and mitigation of disturbed wetlands, HB 1380 amends RSA 482-A by inserting after section 33 the following new section: Wetland Mitigation Banks, stating that any individual or public or private entity may establish a wetland mitigation bank, provided such bank complies with all federal and state regulations and all requirements of the Army Corps of Engineers. Funding for mitigation banks was also amended to define “service area” in which a project is located. Specifically, a “service area” may be a hydrologic unit code 8 watershed, as developed by the United States Geological Survey, or a modification of a hydrologic unit code 8 watershed by the department as approved by the United States Army Corps of Engineers.” (effective date July 22, 2012)

HB 1477 – Relative To Definition Of Spent Materials ~ Chapter 83:1-2

Under HB 1477, RSA 147-A:2, XII-a was repealed and reenacted to read as follows : “spent materials” means, “any material that has been used and, as a result of contamination, can no longer serve the purpose for which it was produced without processing. Spent materials are relative to hazardous waste management. (effective date July 22, 2012)

HB 1636 - Extension Of Fill And Dredge In Wetlands Permits~ Chapter 145

HB 1636 makes changes to the statute RSA 482:3-a which governs the fill and dredging of wetlands. Under RSA 482:3-a, specific timelines are identified for the length that a fill and dredge permit is valid. HB1636 amends the RSA to include an exception for; Any permit issued to repair or replace shoreline structures to maintain the integrity and safety of such structures including, but not limited to docks, sea walls, breakwaters, riprap, access ramps and stairs, that are damaged by storms or ice. These permits shall expire 10 years from the date the permit was issued as long as any work performed after the initial permitted work complies with 1) the work is not in violation of the original permit or subparagraphs (a)(1)-(4), 2) all structures are repaired or replaced to the original permitted location and configuration, 3) all significant work is reported to the department in accordance with the reporting requirements for the original permit. (effective date August 6, 2012)

HB 1721 - Permitting For The Replacement Of Sewage Disposal Systems ~ Chapter 147:1-8

This bill allows certain sewage disposal systems to be replaced after approval by the Department of Environmental Services and requires the Department of Environmental Services to adopt rules regarding requirements for oil spill prevention, control, and countermeasure (SPCC) plans. This bill amends RSA 485-A:38, II. (effective June 7, 2012)

Other Related Statute Updates

HB 1170 – Municipal Budget Law, New Chapter On Estimated Tax Impact ~ Chapter 6:1-2

HB1170 amended RSA 32:5 to add a new paragraph; Municipal Budget Law; Warrant Articles; Estimated Tax Impact to allow any town to require that the annual budget and all special warrant articles having a tax impact, as determined by the governing body, shall contain a notation stating the estimated tax impact of the article. The paragraph also states that the determination of the estimated tax impact shall be subject to approval by the governing body. (effective date May 21, 2012)

HB 1204 – Matching Funding Of Highway Projects & Administration Of The Meals And Rooms Tax ~ Chapter 73

Under RSA 228:1, definitions are included relative to the administration of transportation laws in New Hampshire. HB1204 defines "toll credits" and further explains the use of turnpike toll credits as a match for federal highway funds and road projects without approval of the capital budget overview committee established under RSA 17-J:1. Additionally, this bill made several minor amendments to RSA 78, regarding taxes on meals and rooms. (effective date July 22, 2012)

HB 1211 – Committee To Study The Lease Of State-Owned Land By Beginning Farmers ~ Chapter 250:1-3

Under RSA 425, the departments of agriculture, markets, and foods are primarily responsible for the promotion and regulation of agriculture in the state of New Hampshire. Under HB1211, a study will occur to understand the effects on promoting state-owned land to be leased by beginning farmers. The bill also establishes the need for a committee and identifies the procedure necessary for choosing a committee for this study. (effective date November 2, 2012)

HB 1223-FN - Right-to-Know Law; Remedies. RSA 91-A:8 ~ Chapter 206:1

The law that now makes it possible for a court, if it is found that an officer, employee, or other official has violated any provision of the Right-to-Know law in bad faith, to impose a civil penalty of not less than \$250 and not more than \$2,000. Such person or persons may also be required to reimburse the public body or public agency for any attorney's fees or costs paid by the public body or public agency in defending a Right-to-Know lawsuit.

In addition to the changes in the Right-to-Know law made in 2012, it is also important to remember that RSA 91-A:8 also allows the award of reasonable attorney's fees and costs incurred as a result of litigation to implement the law. It also allows a court to invalidate an action of a public body or agency taken in violation of the law "if the circumstances justify such invalidation." And lastly, the law empowers the court to enjoin future violations and can require any public officer or employee found to have violated the Right-to-Know law to undergo appropriate remedial training at their expense.

