

HB 158 – AS INTRODUCED

2013 SESSION

13-0548
08/10

HOUSE BILL **158**

AN ACT relative to the issuance of waivers for lot loading or setback distances in
condominium conversion.

SPONSORS: Rep. Chandler, Carr 1; Rep. Pantelakos, Rock 25; Sen. Bradley, Dist 3

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill allows the department of environmental services to issue waivers for lot loading or setback distances in certain condominium conversions.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the issuance of waivers for lot loading or setback distances in
condominium conversion.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Prohibition on Waivers on Pre-Existing Property. Amend RSA 485-A:41, IV to read as follows:

2 IV.**(a)** Adopt rules, pursuant to RSA 541-A and after public hearing, relative to the
3 implementation of this subdivision. The commissioner shall adopt rules relative to the
4 circumstances under which the commissioner may grant a waiver of any rule, except that no waivers
5 of rules relating to site loading or set-back distances to ground or surface waters shall be allowed for
6 sewage or waste disposal systems on lots in subdivisions created after September 1, 1989. A waiver
7 must be consistent with the intent of this subdivision and have a just result. In particular, an
8 encroachment waiver shall meet the following criteria:

9 ~~[(a)]~~ **(1)** The proposed waiver shall not encroach upon the right of the owner of abutting
10 property to fully utilize his land, unless said property owner has granted consent in the form of a
11 signed waiver or deeded easement; and

12 ~~[(b)]~~ **(2)** Denial of the waiver would result in unnecessary hardship to the owner due to
13 special characteristics of the property.

14 ***(b) Notwithstanding subparagraph (a), the commissioner shall not adopt rules***
15 ***prohibiting waivers of rules relating to site loading or set back distances to ground or***
16 ***surface waters for previously developed land where the property owner seeks to change the***
17 ***form of ownership to a condominium. The department may grant waivers for lot loading***
18 ***and setbacks on pending and future applications for condominium conversions.***

19 2 Effective Date. This act shall take effect 60 days after its passage.