

CHAPTER 125
HB 1371 – FINAL VERSION

04/17/14 1006s

2014 SESSION

14-2042
03/05

HOUSE BILL **1371**

AN ACT relative to grading and improving subdivision streets.

SPONSORS: Rep. G. Chandler, Carr 1; Rep. Butler, Carr 7

COMMITTEE: Municipal and County Government

ANALYSIS

This bill allows a municipality that has authorized the planning board to approve subdivisions to authorize the governing body to approve the grading and improving of subdivision streets.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT relative to grading and improving subdivision streets.

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

1 125:1 Driveways and Other Accesses to the Public Way. Amend RSA 236:13, V to read as
2 follows:

3 V. The same powers concerning highways under their jurisdiction as are conferred upon the
4 commissioner of transportation by paragraphs I, II, III, and IV shall be conferred upon the planning
5 board **or governing body** in cities and towns in which the planning board **or governing body** has
6 been granted the power to regulate the **grading and improvement of streets within a** subdivision
7 ~~[of land]~~ as provided in RSA 674:35, and they shall adopt such regulations as are necessary to carry
8 out the provisions of this section. Such regulations may delegate administrative duties, including
9 actual issuance of permits, to a highway agent, board of selectmen, or other qualified official or body.
10 Such regulations, or any permit issued under them, may contain provisions governing the breach,
11 removal, and reconstruction of stone walls or fences within, or at the boundary of, the public right of
12 way, and any landowner or landowner's agent altering a boundary in accordance with such
13 provisions shall be deemed to be acting under a mutual agreement with the city or town pursuant to
14 RSA 472:6, II(a).

15 125:2 Power to Regulate Subdivisions. Amend RSA 674:35, I to read as follows:

16 I. A municipality may by ordinance or resolution authorize the planning board to require
17 preliminary review of subdivisions, and to approve or disapprove, in its discretion, plats, and to
18 approve or disapprove plans showing the extent to which and the manner in which streets within
19 subdivisions shall be graded and improved and to which streets water, sewer, and other utility
20 mains, piping, connections, or ~~[other]~~ facilities within subdivisions shall be installed. **A**
21 **municipality may by ordinance or resolution transfer authority to approve or disapprove**
22 **plans showing the extent to which and the manner in which streets within subdivisions**
23 **shall be graded and improved from the planning board to the governing body.**

24 125:3 Status of Existing Platting Statutes. Amend RSA 674:42 to read as follows:

25 674:42 Status of Existing Platting Statutes. After a planning board is granted platting
26 jurisdiction by a municipality under RSA 674:35, the planning board's jurisdiction shall be exclusive,
27 **except to the extent that the municipality has transferred authority to approve or**
28 **disapprove plans showing the extent to which and the manner in which streets within**
29 **subdivisions shall be graded and improved from the planning board to the governing body**

CHATPER 125
HB 1371 – FINAL VERSION
- Page 2 -

1 *pursuant to RSA 674:35, I.* All statutory control over plats or subdivisions of land granted by other
2 statutes shall be given effect to the extent that they are in harmony with the provisions of this title.
3 The planning board shall have all statutory control over plats or subdivisions of land. Prior laws
4 which are inconsistent with the powers granted to the planning board and the municipality under
5 this title, and which have expressly by ordinance been adopted by a municipality and made available
6 to a planning board according to the provisions of this title, are hereby declared to have no
7 application, force or effect so long as the powers conferred by this title shall continue to be exercised
8 by a municipality.

9 125:4 Effective Date. This act shall take effect 60 days after its passage.

10 Approved: June 16, 2014

11 Effective Date: August 15, 2014