

HB 487 - AS INTRODUCED

2015 SESSION

15-0490
03/10

HOUSE BILL **487**

AN ACT requiring that planning board and zoning board of adjustment members be elected.

SPONSORS: Rep. Comeau, Carr 5; Rep. Avellani, Carr 5

COMMITTEE: Municipal and County Government

ANALYSIS

This bill requires that planning board and zoning board of adjustment members be elected.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT requiring that planning board and zoning board of adjustment members be elected.

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

1 1 Zoning Board of Adjustment. Amend RSA 673:1, IV to read as follows:

2 IV. Every zoning ordinance adopted by a local legislative body shall include provisions for
3 the establishment of a zoning board of adjustment. Members of the zoning board of adjustment shall
4 be ~~[either]~~ elected ~~[or appointed]~~, subject to the provisions of RSA 673:3.

5 2 Planning Board; Election. Amend RSA 673:2 to read as follows:

6 673:2 Planning Board.

7 I. ~~[(a)]~~ In cities, the planning board shall consist of 9 *elected* members~~;~~

8 ~~(1) The mayor of the city, or with the approval of the local legislative body the~~
9 ~~mayor's designee, who shall be an ex officio member;~~

10 ~~(2) An administrative official of the city selected by the mayor, who shall be an ex~~
11 ~~officio member;~~

12 ~~(3) A member of the city council selected by the council, who shall be an ex officio~~
13 ~~member; and~~

14 ~~(4) Six persons appointed by the mayor, if the mayor is an elected official, or such~~
15 ~~other method of appointment or election as shall be provided for by the local legislative body or~~
16 ~~municipal charter.~~

17 ~~(b) Alternatively, the local legislative body in a city with a city council city manager form~~
18 ~~of government may establish a planning board with membership as provided in paragraph I-a.~~

19 I-a. ~~In cities with a city council city manager form of government, the planning board may~~
20 ~~consist of the following 9 members:~~

21 ~~(a) The city manager, or with the approval of the local legislative body the city manager's~~
22 ~~designee, who shall be an ex officio member;~~

23 ~~(b) A member of the city council selected by the council, who shall be an ex officio~~
24 ~~member; and~~

25 ~~(c) Seven persons appointed by the mayor, if the mayor is an elected official, or such~~
26 ~~other method of appointment or election as shall be provided for by the local legislative body or~~
27 ~~municipal charter.~~

28 I-b] II. In towns ~~[which operate under the town council form of government]~~, the planning
29 board shall consist of 7 ~~[or 9]~~ *elected* members~~;~~ as determined by the local legislative body or by the
30 municipal charter. ~~If the planning board shall consist of 9 members, the members shall be the~~

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1 persons listed in paragraph I. If the planning board shall consist of 7 members, the members shall
2 be as follows:

3 (a) ~~A member of the town council or administrative official of the town selected by the~~
4 ~~town council, who shall be an ex officio member; and~~

5 (b) ~~Six persons appointed by the mayor, if the mayor is an elected official, or such other~~
6 ~~method of appointment or election as shall be provided for by the local legislative body or municipal~~
7 ~~charter.~~

8 H. ~~In other towns, the planning board shall consist of 5 or 7 members as determined by the~~
9 ~~local legislative body. The membership shall be filled by one of the following procedures:~~

10 (a) ~~The selectmen shall designate one selectman or administrative official of the town as~~
11 ~~an ex officio member and appoint 4 or 6 other persons who are residents of the town, as appropriate;~~
12 ~~or~~

13 (b) ~~The local legislative body may decide, by majority vote at the town meeting, that~~
14 ~~planning board members shall be elected according to either the procedure in subparagraph (1) or in~~
15 ~~subparagraph (2). The official ballot shall be used on every referendum for the adoption of RSA~~
16 ~~673:2, II(b)(1) or (2), and every subsequent rescission of such adoption pursuant to subparagraph (c).~~
17 ~~The wording on the official ballot of any referendum for the adoption of RSA 673:2, II(b)(1) or (2)~~
18 ~~shall specifically state which procedure for electing planning board members is being voted upon.~~
19 ~~Following the majority vote at town meeting, planning board members shall be elected as follows:~~

20 (1) ~~The selectmen shall choose one selectman or administrative official of the town as~~
21 ~~an ex officio member and the remaining planning board positions shall be filled at the next regular~~
22 ~~town election pursuant to RSA 669:17. Thereafter, a planning board member shall be elected for the~~
23 ~~term provided under RSA 673:5, II; or~~

24 (2) ~~The selectmen shall choose one selectman or administrative official of the town as~~
25 ~~an ex officio member and the remaining planning board positions shall be filled on a staggered basis~~
26 ~~at the subsequent regular town elections pursuant to RSA 669:17 as the term of an appointed~~
27 ~~member expires, until each member of the board is an elected member. The maximum number of~~
28 ~~elections to occur annually shall be as provided in RSA 673:5, II. When each planning board member~~
29 ~~is an elected member, such member shall be elected for the term provided in RSA 673:5, II.~~

30 (c) ~~A local legislative body which has voted to elect planning board members may, by~~
31 ~~majority vote at town meeting, decide to rescind that action and have the planning board appointed~~
32 ~~in the manner set forth in subparagraph (a). The vote to have planning board members so appointed~~
33 ~~shall take effect upon adoption by the town meeting, and the selectmen shall forthwith appoint~~
34 ~~members in accordance with RSA 673:5. The planning board shall, however, continue in existence,~~
35 ~~and the elected members in office at the time of the town meeting vote to appoint members may~~
36 ~~continue to serve until their successors are appointed and qualified.]~~

37 III. In village districts, the planning board shall consist of [either] 5 [or 7] members [as

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1 ~~determined by the village district meeting. The district commissioners shall:~~

2 ~~(a) designate one district commissioner or administrative official of the district as an ex~~
3 ~~officio member; and~~

4 ~~(b) Appoint 4 or 6 other persons who are residents of the village district, as appropriate]~~
5 ***elected by the legislative body.***

6 IV. In counties in which there are located unincorporated towns or unorganized places, the
7 planning board shall consist of 5 ~~[or 9]~~ ***elected*** members. ~~[The county commissioners shall~~
8 ~~recommend appointees to the planning board, and the appointees shall be approved by the county~~
9 ~~delegation.]~~ Planning board members shall be residents of the county. ~~[, and shall be evenly~~
10 ~~distributed geographically throughout the county. The membership of the planning board shall be as~~
11 ~~follows:~~

12 ~~(a) The chairperson of the board of county commissioners or designee shall be an ex~~
13 ~~officio member.~~

14 ~~(b) A member of the county convention selected by the convention shall be an ex officio~~
15 ~~member.~~

16 ~~(c) An administrative official of the county selected by the chairperson of the board of~~
17 ~~county commissioners shall be an ex officio member.~~

18 ~~(d) Two or 6 persons appointed by the board of county commissioners and approved by~~
19 ~~the county convention.~~

20 ~~(e) One or 3 alternates appointed by the board of county commissioners and approved by~~
21 ~~the county convention.]~~

22 3 Zoning Board of Adjustment. Amend RSA 673:3, I to read as follows:

23 I. The zoning board of adjustment shall consist of 5 members. The members of the board
24 shall either be elected in the manner prescribed by RSA 669~~[, or appointed in a manner prescribed by~~
25 ~~the local legislative body]~~. Each member of the board shall be a resident of the municipality in order
26 to be ~~[appointed or]~~ elected.

27 4 Planning Board Members Serving on Other Local Boards. Amend RSA 673:7, I-II to read as
28 follows:

29 I. In the case of towns, any 2 ~~[appointed or elected]~~ members of the planning board may also
30 serve together on any other municipal board or commission, except that no more than one member of
31 the planning board shall serve on the conservation commission, the local governing body, or a local
32 land use board as defined in RSA 672:7.

33 II. In cities, ~~[appointed]~~ members shall not hold any other municipal office, except that:

34 (a) One of the ~~[appointed]~~ members may be a member of the zoning board of adjustment;

35 (b) ~~[Either]~~ One ~~[appointed member or one ex officio]~~ member may be a member of the
36 conservation commission if one exists in the city; and

37 (c) ~~[Either]~~ one ~~[appointed member or one ex officio]~~ member may be a member of the

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1 heritage commission, the historic district commission, the agricultural commission, the housing
2 commission, or all 4 if such commissions exist in the municipality.

3 5 Repeal. The following are repealed:

4 I. RSA 673:3, II through III-a, relative to zoning board of adjustment members.

5 II. RSA 673:6, I(b), relative to alternate planning board members.

6 6 Effective Date. This act shall take effect 60 days after its passage.