

Amendment to SB 78

1 Amend the bill by replacing section 1 with the following:

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3 1 Subdivision Regulations; Completion of Work. Amend RSA 674:36, III and IV to read as  
4 follows:

5 III. The subdivision regulations of the planning board may stipulate, as a condition  
6 precedent to the approval of the plat, the extent to which and the manner in which streets shall be  
7 graded and improved and to which water, sewer, and other utility mains, piping, connections, or  
8 other facilities shall be installed. The regulations or practice of the planning board:

9 (a) May provide for the conditional approval of the plat before such improvements and  
10 installations have been constructed, but any such conditional approval shall not be entered upon the  
11 plat.

12 (b) Shall provide that, in lieu of the completion of street work and utility installations  
13 prior to the final approval of a plat, the planning board shall accept a performance bond, irrevocable  
14 letter of credit, or other type or types of security as shall be specified in the subdivision regulations;  
15 provided that in no event shall the exclusive form of security required by the planning board be in  
16 the form of cash or a passbook. As phases or portions of the secured improvements or installations  
17 are completed and approved by the planning board or its designee, the municipality shall partially  
18 release said security to the extent reasonably calculated to reflect the value of such completed  
19 improvements or installations **when substantial improvements are made**. Cost escalation  
20 factors that are applied by the planning board to any bond or other security required under this  
21 section shall not exceed [40] **15** percent per year. **No cost increases shall be allowed for**  
22 **engineering, administration, or other non-construction reasons**. The planning board shall,  
23 within the limitations provided in this subparagraph, have the discretion to prescribe the type and  
24 amount of security, and specify a period for completion of the improvements and utilities to be  
25 expressed in the bond or other security, in order to secure to the municipality the actual construction  
26 and installation of such improvements and utilities. The municipality shall have the power to  
27 enforce such bonds or other securities by all appropriate legal and equitable remedies.

28 (c) May provide that in lieu of the completion of street work [and], utility installations,  
29 **landscaping, and final pavement** prior to the final approval of the plat, the subdivision  
30 regulations may provide for an assessment or other method by which the municipality is put in an  
31 assured position to do said work and to make said alterations at the cost of the owners of the  
32 property within the subdivision.

1           ***IV. The planning board limitations under this section shall not require letter of***  
2 ***credit, cash, or passbook as the only method securing the completion of the work. A***  
3 ***planning board may allow road and utility construction to start without a bond, however,***  
4 ***a bond for the infrastructure, roads, and utilities must be in place prior to the sale of any***  
5 ***parcel of land within the subdivision or a request for a building permit for structures for***  
6 ***human occupation. The planning board shall not require that forfeiture or automatic call***  
7 ***bonds be provided by the developer.***

8           ***V. Inspections required by the municipality for release of a bond shall be completed***  
9 ***within 30 business days of written request delivered by hand or sent by courier or service.***  
10 ***Any requirements not recognized by the municipality as complete or non-compliant shall***  
11 ***require written notification be sent, delivered by hand or sent by courier or service, within***  
12 ***15 business days of the inspection, to the bonded party. The bonded party shall complete***  
13 ***the work within 30 days of receipt of notification. The municipality shall inspect for***  
14 ***completion of the work cited as incomplete or non-compliant in the first inspection, within***  
15 ***15 business days of written notification delivered by hand or sent by courier or service. All***  
16 ***bonds shall be released within 90 days of final sign off.***

17           ~~[IV.]~~ ***VI. In accordance with RSA 153:5, III,*** the planning board shall not require, or  
18 adopt any regulation requiring, the installation of a fire suppression sprinkler system in proposed  
19 one- or 2-family residences as a condition of approval for a local permit. Nothing in this paragraph  
20 shall prohibit a duly adopted regulation mandating a cistern, dry hydrant, fire pond, or other  
21 credible water source other than a fire suppression sprinkler system. ~~[Nothing in this paragraph~~  
22 ~~shall prevent an applicant from offering to install fire suppression sprinkler systems in proposed~~  
23 ~~one- or 2-family residences and, if the planning board accepts such offer, the installation of such~~  
24 ~~systems shall be required and shall be enforceable as a condition of the approval. The applicant or~~  
25 ~~the applicant's successor in interest may substitute another means of fire protection in lieu of the~~  
26 ~~approved fire suppression sprinkler system provided that the planning board approves the~~  
27 ~~substitution which approval shall not be unreasonably upheld or delayed.]~~