

REGULATION AMENDMENT PROPOSAL

§276-ADMINISTRATIVE REQUIREMENTS & DEFINITIONS

STAFF REPORT

September 13, 2023

SUBJECT: Expiration of Subdivision & Site Plan Approvals

PURPOSE: To revise §276-11.B(5), the required language of the statement on plans, to be consistent with other regulations and RSA 674:36.

REASON:

- In accordance with RSA 674:39, that once specified a one-year term to achieve active and substantial development, was changed to two years by SB 144 Chapter 215 during the 2011 legislative session.
- Other sections of the regulations related to plan validity were appropriately revised in 2019 [§275-13, §276-9, and §276-11.B(4)]. One regulation, §276-11.B(5), was omitted creating a conflict with the other regulations and state law.

PROPOSAL:

First, § 276-11.1 (4)(a) correctly states:

A minimum two-inch-by-six-inch approval block containing the statement "Approved by the Hudson, NH PLANNING BOARD," one line with the words "Date of Meeting: _____," and two lines for the signatures of the PLANNING BOARD Chairman and Secretary. The signature line shall provide space for the signature, follow with the words, "Signature Date: _____." The following sentences shall be included within the approval block: "Site PLANS are valid for two years from the date of PLANNING BOARD meeting final approval. Final approval commences at the PLANNING BOARD meeting date at which the PLAN receives final approval."

However, the subject of this discussion, § 276-11.1 (5), currently states:

A Two-inch-by-one-and-one-half-inch approximate space adjacent to the approval block containing the following statement: "Pursuant to the site review regulations of the Hudson PLANNING BOARD, the SITE PLAN approval granted herein expires one year from date of approval."

At its August 23, 2023 meeting the Planning Board chose to hold a public hearing for a regulation amendment to correct the issue, to remove the regulation entirely because it is

redundant. The same statement is already required to be within the approval block under § 276-11.1 (4).

RESULT:

Text to be added appears in *bold italics*.

Text to be removed from the regulations appears [~~in brackets and struckthrough~~].

§ 276-11.1 General Plan Requirements.

- (5) [~~A Two inch by one and one half inch approximate space adjacent to the approval block containing the following statement: "Pursuant to the site review regulations of the Hudson PLANNING BOARD, the SITE PLAN approval granted herein expires one year from date of approval."] *Reserved.*~~

DRAFT MOTIONS

I move to adopt the amendment to §276-11.1.B(5), regarding plan validity in accordance with RSA 674:39 of the Hudson Land Use Regulations to delete a redundancy and inconsistency with §276-11.1.B(4).

Motion: _____ Second: _____ Carried/Failed: _____.



TOWN OF HUDSON

Planning Board



Timothy Malley, Chairman

Robert Guessferd, Selectmen Liaison

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Public Hearing - Land Use Regulation Amendment SEPTEMBER 13, 2023

The Town of Hudson Planning Board will hold a public hearing on Wednesday, **September 13, 2023 at 7:00 p.m.** in the **“Buxton Community Development Conference Room”** at Town Hall, 12 School Street, Hudson, NH to review for adoption an amendment to Chapter 276 – Administrative Requirements and Definitions.

The amendment proposes to delete the requirement of a duplicative note on site plans and subdivision plans related to the amount of time an approved plan is valid before construction is required (2 years). This timeframe is regulated by New Hampshire State law (RSA 674:36) and is addressed elsewhere in Hudson land use regulations, so inclusion or deletion of this note has no substantive effect. Additionally, the note proposed for deletion incorrectly defines the plan validity time period as 1-year, whereas State law mandates 2 years. Therefore, since the note is both redundant in its intent (subject matter is covered elsewhere) and legally inconsistent with State law, it is proposed to be deleted.

PROPOSAL:

Text to be added appears in *bold italics*.

Text to be removed from the regulations appears [~~in brackets and struck through~~].

§ 276-11.1 General Plan Requirements.

- (5) [~~A Two-inch by one and one-half inch approximate space adjacent to the approval block containing the following statement: "Pursuant to the site review regulations of the Hudson PLANNING BOARD, the SITE PLAN approval granted herein expires one year from date of approval."~~] *Reserved.*

Brian Groth, AICP
Town Planner