

CHAPTER 36 REGIONAL PLANNING COMMISSIONS

Review of Developments of Regional Impact

Section 36:54

36:54 Purpose. – The purpose of this subdivision is to:

I. Provide timely notice to potentially affected municipalities concerning proposed developments which are likely to have impacts beyond the boundaries of a single municipality.

II. Provide opportunities for the regional planning commission and the potentially affected municipalities to furnish timely input to the municipality having jurisdiction.

III. Encourage the municipality having jurisdiction to consider the interests of other potentially affected municipalities.

Source. 1991, 300:1, eff. Jan. 1, 1992.

Proposed Developments of Regional Impact Review Guidelines For the Lakes Region Municipalities

Process

Foremost, RSAs 36:54 through 36:58 should guide the treatment of any Developments of Regional Impact (DRIs) in the Lakes Region Planning Commission (LRPC) region. Reasonable notice should be given to the LRPC of all development proposals that meet any one or more of the identified standards or thresholds for DRI determination.

Whenever possible, a courtesy notice or memorandum should be sent to the abutting communities and carbon copied to LRPC, *before* a project has been determined to be a DRI. Additionally, a follow up phone call should be made to ascertain whether the notice or memorandum was received and whether there are any questions to be answered. The community should then proceed according to State statute and make the DRI determination if appropriate.

Procedural Checklist for Municipalities (RSA 36:56):

- Initial development application is received by the planning board or department
- If it is a *possible* development of regional impact, send a courtesy memo to the affected communities and the regional planning commission (RPC)
- Follow up the courtesy memo with a phone call to determine if there are any questions and begin dialogue
- Application is reviewed for completeness
- The planning board **MUST** vote on whether the project is of regional impact and should do so at the earliest opportunity after receipt of an application

- ❑ Upon determination of regional impact the RPC and the affected municipalities shall be afforded the status of abutters
- ❑ Furnish, by certified mail, within 144 hours, the RPC and affected communities with copies of the meeting minutes, documenting the decision, and an initial set of plans, the cost of which shall be borne by the applicant.
- ❑ 14 days prior to the public hearing, the planning board shall notify, by certified mail, the affected municipalities and the RPC of the hearing date, time and location and stating their right to testify
- ❑ LRPC to submit an official response as soon as possible

Please be considerate to the affected communities and RPC and provide all information at least as promptly as stated above (per RSA 36:57). This and any additional time that can be provided will allow the communities and RPC ample review time. Any less time, however, will not be sufficient for a review to be conducted.

Standards

The following items are guidelines to assist in determining whether a proposed project is a development of regional impact. It is assumed a project may be a development of regional impact if it meets any one of the standards. Additionally, these standards are not absolute and are intended to initiate a closer review of projects that may potentially have regional impact.

- Proposed developments directly adjacent to a municipal boundary
- Proposed developments located within 1,000 feet of any aquifer or surface waters that transcend municipal boundaries and there will be either a large water withdrawal (defined as 57,600 gallons by NHDES) or there will be indoor, outdoor, and underground storage of chemicals or other potential pollutants
- Proposed developments that create a new road or a point of access between municipalities
- Proposed developments that generate 500 or more vehicle trips per day into an adjacent community as determined by the most recent published version of the Trip Generation Manual
- Proposed development of 50 or more residential dwelling units where any portion of the development is within 1,000 feet of a municipal boundary
- Proposed developments with anticipated emissions such as light, noise, smoke, odors, or particles that may impact a neighboring community
- Proposed developments that may impact shared facilities such as schools (e.g. residential developments at any location in a given community when students tuition is from another municipality), solid waste disposal facilities, and other utility services from another community

Additional Local Considerations

The Planning Commission recommends including consideration of Development of Regional Impacts within your community's subdivision and site plan review regulations. Inclusion of the following language in your local regulations helps ensure the potential for regional impact is addressed with each application:

Subdivision Regulations

In accordance with NH State Planning and Land Use statutes, any proposed subdivisions which are likely to have impacts beyond the boundaries of *Insert Municipality Name* shall be processed by the Planning Board according to procedures established in RSA 36:54-58 *Review of Developments of Regional Impact*.

Site Plan Review Regulations

In accordance with NH State Planning and Land Use statutes, any proposed multi-family or non-residential development which are likely to have impacts beyond the boundaries of *Insert Municipality Name* shall be processed by the Planning Board according to procedures established in RSA 36:54-58 *Review of Developments of Regional Impact*.