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Tell the Senate: Remove SB 306 From the Budget!

May 14, 2019 | MASTER PLAN, TOWN MEETING 2019, UPDATES



Every NH municipality and the voters that direct them should be concerned.



When John Lynch was governor, he created a commission to address a phony “water crisis”. Now, some are using a manufactured “housing crisis” to promote the proliferation of “high-density” construction.



Last December we sounded the alarm about HB 104, a bill that would have given a state-level appeals board the right to override the decisions of local boards with regard to land use. The NH House rightfully dispensed with this bill in committee. The Union Leader, a major newspaper, agreed.

Along comes SB 306 in the NH Senate sponsored by Republican Senators Giuda, Carson, Bradley and Representative Hinch along with several Democrats. SB 306 proposes a similar state “board of appeals” with even more draconian power over municipalities, and a \$400K price tag to boot! Word has it that the NH Senate has tabled the bill and instead, is planning to include it into the budget they are preparing for the end of May. This budget will then be presented to the House to see if they will concur.

According to the actual wording of the bill, sweeping authority would be given to a 3-member board as follows:

679:5 Authority; Duties.

I. It shall be the duty of the board and it shall have power and authority to hear and affirm, reverse, or modify, in whole or in part, appeals of final decisions of municipal boards, committees, and commissions regarding questions of housing and housing development. This includes, but is not limited to:

(a) Planning board decisions on subdivisions or site plans.

(b) Board of adjustment decisions on variances, special exceptions, administrative appeals, and ordinance administration.



(c) The use of innovative land use controls.



(d) Growth management controls and interim growth management controls.



(e) Decisions of historic district commissions, heritage commissions, and conservation commissions.



(f) Other municipal permits and fees applicable to housing and housing developments.

(g) Matters subject to the board's authority may include mixed-use combinations of residential and nonresidential uses. Such different uses may occur on separate properties, provided such properties are all part of a common scheme of development.

As you can see, this overreaching provision would basically nullify the vote of the townspeople; taxpayers who have given their boards direction for what should happen in their own towns. Planning, zoning, historic, heritage, conservation, ALL commissions are affected in that SB 306 will allow developers to OVERRIDE those directions using this 3-member state 'board of appeals'!

This dangerous provision must be stopped. If allowed to be included, would be a blatant power grab and a direct attack on every municipality's right to direct its own future. It nullifies the vote of the people.

Write to the full NH Senate and let them know you will not tolerate this power grab at the state level. Write to the full House and ask they demand this provision be removed from any budget they are asked to approve.

Local control is at stake.

References:

Bill Text HB 104:

 http://www.gencourt.state.nh.us/bill_status/billText.aspx?sy=2019&id=11&txtFormat=html

 **Bill Text SB 306:**

 http://www.gencourt.state.nh.us/bill_status/billText.aspx?id=989&txtFormat=html&sy=2019

 **2019 NHMA Bulletin #6 – Page 3:**

<https://www.nhmunicipal.org/Resources/LegislativeBulletin/176>

Letter Seacoast Online

Land use boards beware of Senate Bill 306

May 8, 2019

<https://www.seacoastonline.com/news/20190508/land-use-boards-beware-of-senate-bill-306>

High-density is the Bolshevik model to fix the fake housing crisis (9 mins)

<https://youtu.be/pculcfBwhTg>

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