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Notice of Hearing RSA 675:7 requires that the notice of a public hearing to adopt or amend subdivision or site plan review regulations be both published in a newspaper of general circulation in the municipality and posted in at least two public places within the city or town. The notice must be given at least 10 calendar days before the date of the hearing. The statutes specifically provide that the day the notice is posted and the day the hearing is held cannot be included in the 10-day period. The full text of the proposed regulations does not need to be posted or printed in the newspaper as long as the notice tells where a copy of the proposal is available for the public to read. If the regulations are extensive, it is recommended that sufficient copies be made available so residents may have copies to review at their leisure.

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## STEP 2. REQUIRED NOTICES (RSA 676:4, I(D))

A notice is required when an application<sup>[1]</sup> has been filed and placed on the planning board's agenda for submission. The notice must:

- Be sent by certified mail at least 10 days before the date of submission. It must be sent to the applicant, all abutters, holders of conservation, preservation or agricultural preservation restrictions, and all professionals whose seal appears on any plat as defined in RSA 676:4, I(d);
- Be provided to the general public as the subdivision and site plan review regulations specify;
- Include the date, time, and place of the meeting, the name of the applicant, the location and general description of the proposal; and
- Be paid for in advance by the applicant. Notice is required even if the abutters and the public were notified during the pre-application design review phase. The applicant should recheck local records not more than 5 days before the filing to determine if there have been any changes in the list of abutters. Submission of a completed application is a separate procedure and marks the point at which the required review begins.

It is important to remember that notice of public hearing on proposed regulations and ordinances is subject to RSA 675:7, which differs from public meeting notification in that it requires notice at least 10 calendar days in advance, not including the day the notice is posted or the day of the hearing. The public hearing notice shall be published in a newspaper of general circulation and posted in at least two public places. It must also include an adequate description of the proposal and where it is available for public inspection.

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The applicant triggers the review process by filing an application<sup>[1]</sup>. State statutes require the filing to be done at least 15 days before the public meeting of the planning board at which the application will be formally submitted.

RSA 91-A:2 requires that notification to the general public of all public meetings be given either by posting a notice in at least two appropriate public places or by publishing a notice in a newspaper of general circulation in the municipality at least 24 hours in advance, excluding Sundays and legal holidays.

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<sup>1</sup> For Subdivision or Site Plan Review

# TITLE LXIV PLANNING AND ZONING

## CHAPTER 675 ENACTMENT AND ADOPTION PROCEDURES

### Zoning Ordinance, Historic District Ordinance and Building Code Enactment Procedures

#### Section 675:7

##### **675:7 Notice Requirements for Public Hearing. –**

I. Notice shall be given for the time and place of each public hearing held under RSA 675:2-4 and RSA 675:6 at least 10 calendar days before the hearing. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places. Any person owning property in the municipality may request notice of all public hearings on proposed amendments to the zoning ordinance, and the municipality shall provide notice, at no cost to the person, electronically or by first class mail. If a proposed amendment to a zoning ordinance would change a boundary of a zoning district and the change would affect 100 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owners of each affected property. If a proposed amendment to a zoning ordinance would change the minimum lot sizes or the permitted uses in a zoning district that includes 100 or fewer properties, notice of a public hearing on the amendment shall be sent by first class mail to the owner of each property in the district. Notice by mail shall be sent to the address used for mailing local property tax bills, provided that a good faith effort and substantial compliance shall satisfy the notice by mail requirements of this paragraph. Petitioned amendments as authorized in RSA 675:4 shall not be subject to notification by mail requirements.

II. The full text of the proposed master plan, zoning ordinance, building code, subdivision regulation, site plan review regulation and historic district regulation, ordinance, or amendment need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice. The notice of a hearing on a proposed amendment to a zoning ordinance to be sent electronically or by first class mail shall include a statement describing, to the greatest extent practicable and in easily understood language, the proposed changes to the zoning ordinance, the areas affected, and any other information calculated to improve public understanding of the proposal.

**Source.** 1983, 447:1. 1985, 103:24, eff. Jan. 1, 1986. 2014, 161:8, eff. July 10, 2014.

# TITLE LXIV PLANNING AND ZONING

## CHAPTER 676 ADMINISTRATIVE AND ENFORCEMENT PROCEDURES

### Planning Board

#### Section 676:4

##### **676:4 Board's Procedures on Plats. –**

I. The procedures to be followed by the planning board when considering or acting upon a plat or application submitted to it for approval under this title shall be as set forth in the board's subdivision regulations, subject to the following requirements:

...

(d)(1) Notice to the applicant, holders of conservation, preservation, or agricultural preservation restrictions, abutters, and the public shall be given as follows: The planning board shall notify the abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plat submitted to the board by certified mail of the date upon which the application will be formally submitted to the board. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by **posting or publication** as required by the subdivision regulations. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time, and place of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the planning board to terminate further consideration and to disapprove the plat without a public hearing.