

Developments of Regional Impact

Information Guide for Local Land Use Boards

Tucked away among the laws that govern the Regional Planning Commissions (RPCs) is a set of statutes about Developments of Regional Impact (DRI): [RSA 36:54 through RSA 36:58](#). They have at least as much to do with municipal planning and zoning boards as with RPCs, but they are often overlooked. The statutes require the Planning Board, Zoning Board of Adjustment, Historic District Commission and other land use boards to make an initial determination about whether an application before the board is a DRI. The purpose of this information guide is to provide answers to the most frequently-asked-questions about DRIs. Additional resources about DRIs can be found at the web site link at the bottom of the page.

What is a Development of Regional Impact (DRI)?

A proposal before a local land use board should be deemed a DRI when it “could reasonably be expected to impact on a neighboring municipality.” [RSA 36:55](#) lists the following six factors that may be expected to impact neighboring municipalities, any one of which could result in a DRI determination:

1. Relative size or number of dwelling units as compared with existing stock.
2. Proximity to the borders of a neighboring community.
3. Transportation networks.
4. Anticipated emissions such as light, noise, smoke, odors, or particles.
5. Proximity to aquifers or surface waters which transcend municipal boundaries.
6. Shared facilities such as schools and solid waste disposal facilities.



It is important to note that the DRI determination may not be limited to these six circumstances. Other factors could lead the land use board to determine that a development proposal may have regional impact.



New Hampshire Office of Strategic Initiatives

107 Pleasant Street, Johnson Hall 3rd Floor, Concord, NH 03301

Phone: (603) 271-2155 - Web: www.nh.gov/osi - Twitter: @NH_OSI

What is the Purpose of Development of Regional Impact Review?

The New Hampshire legislature cited three reasons for enacting the DRI statutes:

1. It wanted municipalities that are potentially affected by a proposed development in a neighboring town or city to receive timely notice of the land use board's meetings and public hearings involving the proposed development.
2. It wanted the RPCs and the potentially affected neighboring municipalities to furnish "timely input" to the municipal land use boards with jurisdiction over the proposed development.
3. It wanted to "encourage" the land use boards with jurisdiction over the development proposal "to consider the interests of other potentially affected municipalities."

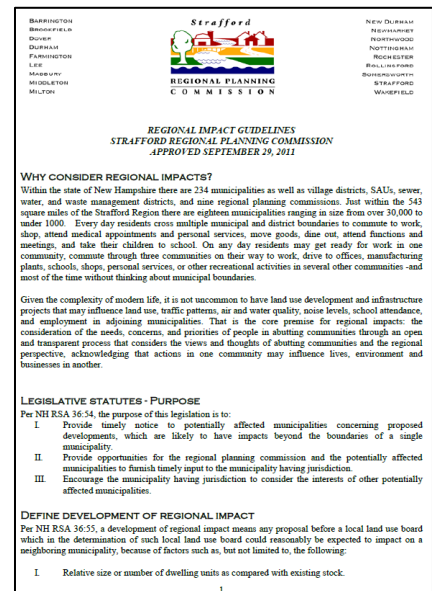
In other words, the legislature wanted towns and cities to think regionally when land use development has impacts beyond their own municipal borders. When a proposal is determined to have the potential for regional impact, the result is that the neighboring municipality (or municipalities) and the RPC have the status of abutters during the board's consideration of the project. In this case, abutter status is limited to a right to receive notice of the board's meetings and public hearings and a right to give testimony.

What is the Role of the Regional Planning Commission?

Under the DRI statutes, the RPC is asked to provide input to the municipal board having jurisdiction over the proposed development. [RSA 36:56, II](#) gives the RPCs authority to develop guidelines to assist local land use boards in determining whether or not a development has the potential for regional impact. The RPC must post notice in a newspaper in the region of its intent to develop DRI guidelines, allow public participation in developing the guidelines, and provide the guidelines to all municipalities in the planning region after a vote by the regional planning commissioners. Many RPCs have developed and posted these guidelines on their web sites.

What is the Role of a Local Land Use Board?

The DRI statutes apply to local land use boards as defined by [RSA 672:7](#), which includes: Planning Board, Historic District Commission, Inspector of Buildings, Building Code Board of Appeals, Zoning Board of Adjustment, and other boards or commissions authorized under [RSA 673](#), which may include the Heritage Commission, Agriculture Commission, and Housing Commission.



More Information Guides and Resources about New Hampshire planning can be found at:
<https://www.nh.gov/osi/planning/resources/publications.htm>

When the land use board receives an application for development, it is required to review it “promptly to determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact.” When it’s a close call, the law requires the board to find that the development does indeed have the potential for regional impact. “Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.” ([RSA 36:56.I](#)).



For example, when the Planning Board receives a subdivision or site plan review application, one of the first steps it should take is to consider whether the nature and scope of the proposed development might have impact beyond the borders of the town – before it determines whether the application is complete and sets a date for a public hearing. The same applies to the ZBA. Before hearing a variance appeal or a special exception request, the ZBA should first decide whether the matter involves a regional impact development.

The following are the requirements that a local land use board should follow:

1. Within five (5) days of the meeting at which the DRI determination was made, send copies of the minutes of that meeting, by certified mail, to the RPC and to the affected neighboring municipalities.
2. At the same time, submit a set of initial development plans to the RPC. The applicant bears the cost of providing and sending such plans.
3. At least 14 days before the public hearing, the board must notify, by certified mail, all affected municipalities and the RPC of the date, time, and place of the hearing and of their right to testify concerning the development.

What is the Role of the Building Inspector?

By definition, the Building Inspector is considered a local land use board for the purposes of the DRI determination. When the Building Inspector determines that a use or structure proposed in a building permit application has the potential for regional impact and no other local land use board has previously made such a determination, the Building Inspector shall notify the governing body (Board of Selectmen, City Council, etc.). The Building Inspector must also notify the RPC and affected municipalities by certified mail. The RPC and the affected municipalities must be given 30 days to submit comments to the governing body and the Building Inspector prior to the issuance of the building permit. ([RSA 36:57.IV](#)).