

# HINSDALE REGULATORY AUDIT SUMMARY

Conducted as part of the Housing Opportunity Program Grant

August 20, 2024

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## SUBDIVISION REGULATIONS

### I. SECTION II – DEFINITIONS

The Subdivision Regulations would benefit from having definitions for Abutter, Manufactured Housing, and Pre-site Built Housing.

### II. SECTION III - PROCEDURE

B. An applicant may submit a completed application for final plat approval to the Town of Hinsdale Planning Board on the form provided by the planning board at **least 15 days** prior to a regularly scheduled meeting of the board at which the application will be formally submitted. The application shall be made by the owner of the property or his duly authorized agent. Notice shall be sent to abutters per paragraph G.

*The statute says 21 days, but allows towns to have a shorter time period if it is specified in the Board's Rules of Procedure.*

D. The time frame for consideration and action shall be as follows:

1. The planning board shall at the next regular meeting or within 30 days following the delivery of the application, determine if a submitted application is complete according to the board's regulation and shall vote upon its acceptance. Upon determination by the board that a submitted application is incomplete according to the board's regulations, the board shall notify the applicant of the determination in accordance with RSA 676:3, which shall describe the information, procedure, or other requirement necessary for the application to be complete. Upon determination by the board that a submitted application is complete according to the board's regulations, the board shall begin formal consideration and shall act to approve, conditionally approve or disapprove within **65 days**, subject to extension or waiver. ***If the application is determined to have regional impact, the Board has an additional 30 days to act.*** The planning board may apply to the selectmen for an extension not to exceed an additional 90 days before acting to approve or disapprove an application. The applicant may waive the requirement for planning board action within the time periods specified and consent to such extension as may be mutually agreeable. Upon failure of the board to approve, conditionally approve, or disapprove the application, the selectmen shall, upon request of the applicant, immediately issue an order directing the board to act on the application within 30 days. If the planning board does not act on the application within that 30-day time period, then within 40 days of the issuance of the order, the selectmen shall certify on the applicant's application that the plan is approved pursuant to this paragraph, unless within those 40 days the selectmen have identified in writing some specific subdivision regulation provision with which the application does not comply. Such a certification, citing this paragraph, shall constitute final approval for all purposes including filing and recording under RSA 674:37 and 676:18, and court review under RSA 677:15.

Failure of the selectmen to issue an order to the planning board under the above, or to certify approval of the plat upon the planning board's failure to comply with the order, shall constitute grounds for the superior court, upon petition of the applicant, to issue an order approving the application if the court determines that the proposal complies with existing subdivision regulations. If the court determines that the failure of the selectmen to act was not justified, the court may order the municipality to pay the applicant's reasonable cost, including attorney's fees, incurred in securing such order.

*This needs some revision to be consistent with recent amendments to RSA 676:4, I (c) (1.*

E. The grounds for disapproval of any application shall be adequately stated upon the records of the planning board and in **written notice given to the applicant**, *within five (5) business days. Notices of Decisions must include Findings that support the decision.*

F. **Upon approval of the final plat**, the chairman of the planning board shall certify said approval by written endorsement on the plat, signed and dated by the chairman. A copy of said plat shall be transmitted by the applicant to the Cheshire County Register of Deeds for recording within one (1) year from approval date. Approval of the final plat by the planning board shall not constitute an acceptance by the town of the dedication of any street, highway, park, or other public open space.

*Approvals must also be written (e.g., Notice of Decision) and include Findings that support the Decision, to be provided to the applicant within five (5) business days.*

### **PERFORMANCE GUARANTEE**

*Needs to be rewritten to comply with legislative changes. RSA 674:36, III (b) has been amended so as to: (1) prohibit the town from requiring a letter of credit, cash, or passbook to be the only allowable forms of bonding; and (2) allowing road and utility construction to begin without a bond in place.*

III. **ADMINISTRATION** *Should have its own Section Number.*

IV. **WAIVERS** *Should have its own Section Number.*

### **V. SECTION-XIV EFFECTIVE DATE**

These regulations shall take effect upon their adoption, and all regulations, or parts of regulations, inconsistent therewith, are hereby repealed.

**Date Adopted**

**09/18/90**

*This date is not consistent with the date on the front page. It is also not necessary, since all dates are on the front page.*

VI. **FLOOD HAZARD AREAS** *This appears to replicate Section IV. C. 2.*

## SITE PLAN REVIEW REGULATIONS

### 1. Section II - Purpose:

The purpose of site plan review is to ensure the orderly, safe, attractive, and proper design of non-residential and multi-family residential sites, whether or not such development includes the subdivision or re-subdivision of the site, consistent with the public health, safety, comfort, and welfare of the Town of Hinsdale.

*The following three paragraphs are describing what constitutes Site Plan Review, and could therefore have its own Section number.*

For the purposes of these regulations, all non-residential and multi-family residential development shall be considered major, excluding kennel, stable, gift shop, antique shop, craft shop, roadside stands, customary home occupations, and similar uses upon the findings of the Board or its designee. Such impacts as traffic, number of employees, parking, etc. shall be considered in the decision.

Non-residential and multi-family redevelopment, alteration of the existing situation, conversion of use, installation, removal, replacement, reconditioning, etc. shall be considered major at the discretion of the Board or its designee.

For the purposes of these regulations, multi-family shall be defined as any residential structure containing more than two dwelling units. The term development shall mean any construction, or other improvements on a site, and shall specifically include any additions or alterations to an existing structure that changes its outward appearance. These regulations shall also apply to proposals which would change the use of an existing building or site, such as from residential to commercial, or from industrial to multi-family residential, etc.

### 2. PROCEDURE, NOTICES OF DECISION, and PERFORMANCE GUARANTEE all need to be amended as described above for the Subdivision Regulations.