



Regional Planning Commission & Economic Development District Developments of Regional Impact ([RSA 36:54-58](#)) Information Guide for Local Land Use Boards

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.

- Relative size or number of housing units as compared with existing stock.
- Proximity to the borders of a neighboring community.
- Transportation networks.
- Anticipated emissions such as light, noise, smoke, odors, or particles.
- Proximity to aquifers or surface waters which transcend municipal boundaries.
- Shared facilities such as schools and solid waste disposal facilities.
- Solid waste disposal facilities, including solid waste landfill.

It is important to note that the DRI determinations 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.

Any doubt concerning regional impact is resolved by a determination that the development has a potential for regional impact.

What is the purpose of Development of Regional Impact Review?

[RSA 36:54](#) explains the purpose for reviews of developments of regional impact as follows:

- To provide timely notice to potentially affected municipalities concerning proposed developments which are likely to have impacts beyond the boundaries of a single municipality.
- To provide opportunities for the regional planning commission and the potentially affected municipalities to put in timely input to the municipality having jurisdiction.
- Encourage the municipality having jurisdiction to consider the interests of other potentially affected municipalities.

In other words, the purpose of the DRI review is to encourage districts to think regionally when land use development has impacts beyond their own municipal borders. When a proposal is determined to have potential for regional impact, the result is that the neighboring municipality (or municipalities) and the Regional Planning Commission (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 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
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And other boards or commissions authorized under [RSA 673](#), which may include the:

- Heritage Commission
- Agriculture Commission
- Housing Commission

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 and the Local Land Use Board is unsure if a proposed development has the potential for regional impact, the law requires the board to find that the development does have the potential for regional impact. “Doubt concerning regional impact shall be resolved in a determination that the development has 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.

If the planning board finds an application to be one of regional impact, its deadline to act to approve, conditionally approve, or disapprove a complete application is automatically extended by 30 days. [RSA 676:4, I\(c\)\(1\).](#)

What is the role of the Regional Planning Commission?

Under the DRI statutes, the RPC is asked to provide advisory 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.

North Country Council conducted the public participation part of the review guideline development in 2010. The Council's Commission Representatives adopted the DRI Review Guidelines in October of 2010. North Country Council's review guidelines can be found at the end of this document.

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](#).

Developments of Regional Impact A Process



NH Revised Statute § 36:55-58

Why

RSA 36:54 explains the purpose for reviews of Developments of Regional Impact (DRI).

- I. To **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**.

What

RSA 36:55 defines a “**Development of Regional Impact**” as any proposal brought before a Local Land Use Board (LUB) which in the determination by that board could reasonably be expected to impact on a neighboring municipality, because of factors listed below but not limited to them.

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

Local Land Use Board Process

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A Local Land Use Board (LUB), as defined in RSA 672:7, upon receipt of an application for development shall review it promptly and determine whether or not the development, if approved, reasonably could be construed as having the potential for regional impact.

Doubt concerning regional impact shall be resolved in a determination that the development has a potential regional impact.

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At least 14 days prior to the public hearing, the LUB shall notify, by certified mail, all affected municipalities and the RPC of the date, time, and place of the hearing and their right to testify concerning the development.

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Upon Local Land Use Board determination that a proposed development has a potential regional impact, the Local Land Use Board having jurisdiction shall afford the regional planning commission (RPC) and the affected municipalities the status of abutter, as defined in RSA 672:3, for the limited purpose of providing notice and giving testimony.

Not more than 5 days after reaching a decision regarding DRI, the LUB having jurisdiction shall, by certified mail, furnish the RPC and affected municipalities with copies of the minutes of the meeting which the decision was made. The LUB shall at the same time submit initial set of plans to the RPC, the cost of which shall be borne by the applicant.

What does the Council do as the Regional Planning Commission?

Using review guidelines adopted in October 2010, pursuant to RSA 36:56-II, upon receiving a determination of a Development of Regional Impact by a LUB, North Country Council will review all relevant application materials to provide feedback to the Local Land Use Board. The purpose of the feedback is advisory only and does not nor should it be construed as support or opposition of a proposed development. The intention of the DRI review response is to provide LUB with questions and considerations that can be used when considering the proposal.



Regional Planning Commission & Economic Development District Review Guidelines for Developments of Regional Impact per NH RSA 36:54-58

Adopted October 28, 2010, by North Country Council Commission Representatives

Preamble:

DRI Process:

The Development of Regional Impact (DRI) process is set by NH statute in RSA 36:54-58. Local Land Use Board's determine if any application is a DRI. If the local Land Use Board decides that any application is a DRI, it provides surrounding communities and the Regional Planning Commission with an opportunity to provide comments and participate in the public hearings held by the Land Use Board. Once notified of a DRI, NCC gives written comments to the Land Use Board for their information and consideration only. North Country Council has no authority to approve or deny any application. The purpose of NCC's comments on all DRI applications is to identify ways the development may impact surrounding areas and offer them as information the Land Use Board may wish to consider during review.

Comments From NCC:

The guidelines and thresholds listed in this document come from the Review Guidelines adopted by the Commissioners of NCC in 2010 and are applied to any DRI. Comments provided by NCC do not seek to oppose or support a development, instead the comments draw attention to topics a Board may wish to consider during review. In responding to these comments NCC is fulfilling its duty as a Regional Planning Commission under NH RSA 36:54-58, "Developments of Regional Impact".

Other Way to Engage with NCC:

NCC notes that the development is anticipated to create significant economic growth within the surrounding area through jobs created and valuable private investment in the region. In addition to NCC's role as a Regional Planning Commission, NCC also serves as the region's Economic Development District (EDD). As an EDD, North Country Council's CEDS (Comprehensive Economic Development Strategy) Committee, meets to discuss and consider letters of support for projects that align with the regional strategy. NCC invites the applicant to present the project to the CEDS Committee, if the project would like to seek a letter of support.

NCC Guidelines and Staff Comments:

For ease of reference the comments below are organized within the framework of the Review Guidelines, which establish six (6) areas of interest, each of which containing specific thresholds for impact. In these comments, thresholds which the proposed development appears to meet or exceed are listed alongside a brief analysis and recommendations from North Country Council, other thresholds not met by the project are listed but are not discussed by NCC's analysis and recommendations.

Six (6) Areas of Interest:

- 2.1 Economic Structure
- 2.2 Infrastructure Capacity
- 2.3 Settlement Patterns or Regionally Significant Features (*possible impact described*)
- 2.4 Natural Resources
- 2.5 Quality of Life – Emissions (*possible impact described*)
- 2.6 Directly Abuts a Municipal Boundary

2.1 Economic Structure: *Might the proposed development affect the economic structure of neighboring municipalities by:*

- **2.1.1.** Increasing the cost of providing energy or other utility services to other towns to the extent it might affect affordability;
- **2.1.2.** Adversely affecting the availability of affordable housing in adjacent towns;
- **2.1.3.** Increasing the need for housing in an adjacent municipality or region to the extent it might affect affordability;
- **2.1.4.** Constructing 50 or more residential units where any portion of the development is within 1,000 feet of a municipal boundary;
- **2.1.5.** Constructing a non-residential development that exceeds 50,000 square feet where the proposed development is within 1,000 feet of a municipal boundary; or
- **2.1.6.** Constructing a non-residential development (e.g., commercial or industrial development) that will exceed 100,000 square feet?

2.2 Infrastructure Capacity: *Might the proposed development affect the infrastructure capacity of neighboring municipalities by:*

- **2.2.1.** Creating access to the development through a neighboring town;
- **2.2.2.** Substantially affecting the traffic-carrying capacity of regionally significant highways and other transportation facilities within other towns;
- **2.2.3.** Creating a new road or a point of access between municipalities;
- **2.2.4.** Generating 100 or more vehicle trips per day into an abutting or nearby municipality as determined by the most recent published version of the Trip Generation Manual;
- **2.2.5.** Producing excessive solid waste or requiring a significant increase in the capacity for solid waste disposal facilities;
- **2.2.6.** Requiring new or significant additional utility services not already available;
- **2.2.7.** Generating student populations that will adversely affect school capacities in one or more neighboring municipalities (e.g., residential developments at any location in a given municipality when students are tuitioned in another municipality);
- **2.2.8.** Requiring capital outlay beyond town borders for the expansion or development of additional utility transmission lines or other public services; or
- **2.2.9.** Generating demand for emergency response personnel?

2.3 Settlement Patterns or Regionally Significant Features: *Might the proposed development affect the settlement patterns or regionally significant features of the Region by:*

- **2.3.1.** Requiring the alteration, degradation or destruction of designated regionally significant historic, cultural, natural or scenic features;
- **2.3.2.** Being located in geographic areas that have not supported that size and type of proposed development in the past; or
- **2.3.3.** Being incompatible with the architectural or design features of nearby existing structures

2.4 Natural Resources: *Might the proposed development affect the natural resources of the Region by:*

- **2.4.1.** Producing excessive pollutants or substantially degrading air quality or water quality or quantity beyond town borders or within the watershed;
- **2.4.2.** Requiring a large water withdrawal or a number of water withdrawals whose cumulative impact is equivalent to a large water withdrawal (defined as 57,600 gallons or greater per day by NHDES) and the proposed development is located within 1,000 feet of any aquifer or surface waters that transcend municipal boundaries;
- **2.4.3.** Requiring indoor, outdoor, or underground storage, or the use or transfer of chemicals or other potential pollutants in quantities greater than associated with a typical household and the proposed development is located within 1,000 feet of any aquifer or surface waters that transcend municipal boundaries.
- **2.4.4.** Altering, degrading or destroying the habitat and natural municipalities of plants and animals that have been identified as worthy of protection; or
- **2.4.5.** Substantially reducing the area or productive capacity of regionally significant forested and agricultural lands; (impact to contiguous conservation areas and greenways would be trigger thresholds)?
- **2.4.6.** Altering, degrading, filling, developing or building a structure within the defined flood hazard areas and floodways in such a way that waters using the flood hazard areas and floodways would be further restricted, possibly causing adverse impacts further down the watercourse including a higher mean high water mark in the case of either natural or unnatural flooding. In this case the parties notified as abutters would be the municipalities located further downstream or downriver on the water course?

2.5 Quality of Life – Emissions: *Might the proposed development affect the quality of life in the Region by:*

- **2.5.1.** Producing or having anticipated emissions such as light, noise, smoke, odors, or particles that may impact a neighboring municipality;
- **2.5.2.** Producing or having anticipated visual impacts such as, but not limited to cell towers and wind farms, that may impact a neighboring municipality, including municipalities not directly abutting the host municipality?

2.6 Directly Abuts a Municipal Boundary: *Is the proposed development on land that directly abuts a municipal boundary?*

- **2.6.1.** If so, is it going to affect neighboring properties in an adjacent municipality? If it might, the neighboring local land use board should consider making a determination of regional impact.