

Supplementary Guidance on HB 1359



An Advisory of the New Hampshire Municipal Association

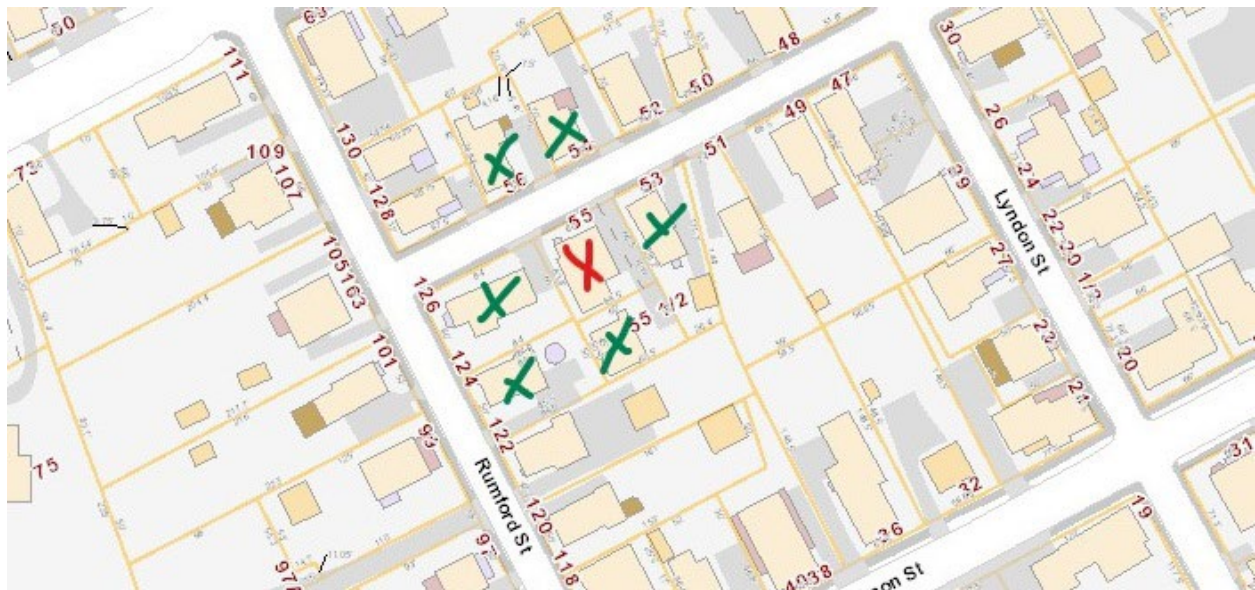
October 2024



During the 2024 session, the legislature enacted HB 1359, pertaining to abutters. This legislation abrogated *Seabrook Onestop, Inc. v. Town of Seabrook & a.*, No. 2020-0251 (N.H. Sep. 16, 2021), which found that the statutory language of RSA 672:3 did not provide for some properties adjacent to an applicant's property to be considered "abutters" for the purposes of the land use statutes. Questions have arisen about how to apply the new standard. This guidance document is designed to be illustrative of the application of the changes.

Abutters After *Seabrook Onestop*

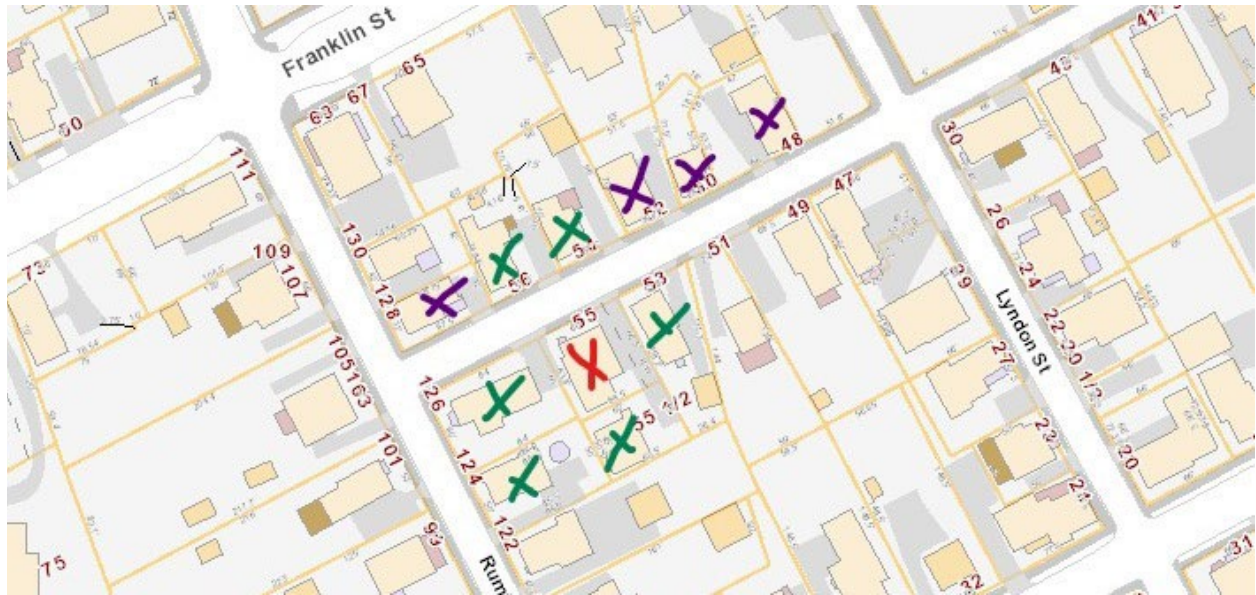
The following illustration shows which properties would be considered "abutters" after the *Seabrook Onestop* ruling. The applicant property is marked in **RED** and abutters are **GREEN**. Note that Properties #128 and #52 are not considered abutters.



A definition using the imprecise term "diagonal."

The *Seabrook Onestop* case suggests that a possible solution to the problem of how to designate certain other adjacent properties as "abutters" is to use the term "diagonal." Unfortunately, doing so without a distance or angle limitation would create the possibility of future legislation. This is best

demonstrated via illustration. Again, the applicant property is marked in **RED** and abutters under *Seabrook Onestop* are **GREEN**. “Diagonal” properties are marked in **PURPLE**. Note that the number of diagonal properties stretches down the length of the street.



HB 1359's Fix

HB 1359 provides for a more exacting 50-foot distance limitation to clearly exempt properties which are too far in distance to be considered adjacent to the applicant property. In the illustration, this exempts Properties #50 and #48. Again, the applicant property is marked in **RED** and abutters under *Seabrook Onestop* are **GREEN**. Statutorily designated properties are in **BLUE**.



Please note that those planning departments which use a radius search for abutters (most of whom use 300 ft.) will not likely need to adjust their parameters to comply with this new statutory definition.