

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Regulation of Subdivision of Land

Section 674:40

674:40 Improvements in Unapproved Streets. –

I. A municipality which has established and recorded an official map, as provided in RSA 674:10, or has conferred upon a planning board platting jurisdiction in accordance with RSA 674:35 shall not thereafter accept, lay out, open, improve, grade, pave, or light any street or lay or authorize the laying of water mains, sewers, connections, or other facilities or utilities in any street, within any portion of the municipality unless such street:

(a) Has been accepted or opened as, or has otherwise received the legal status of, a public street prior to the conferring of platting jurisdiction upon the planning board; or

(b) Corresponds in its location and lines with a street shown on the official map, or with a street shown on a subdivision plat approved by the planning board, or with a street on a street plat made by and adopted by the board.

II. For the purposes of this section, the word "street" shall not mean or include a discontinued highway.

III. The local legislative body may, however, accept, locate and construct any street not shown on or not corresponding with a street on the official map or on an approved subdivision plat or an approved street plat, provided the ordinance or other measure for the accepting, locating, and construction of such street is first submitted to the planning board for its approval and:

(a) If approved by the board, be approved by a majority vote of those present and voting at a regular or special meeting of the local legislative body; or

(b) If disapproved by the planning board, be approved by not less than 2/3 of those present and voting at a regular or special meeting of the local legislative body.

IV. A street approved under paragraph III shall have the status of an approved street as though it had been originally shown on the official map or on a subdivision plat approved by the planning board or as though it had been originally platted by the planning board.

Source. 1983, 447:1. 1989, 266:19. 1998, 344:5, eff. Aug. 25, 1998.