

Development on Dead-End Roads: *A Guide for Municipalities*



An Advisory of the New Hampshire Municipal Association
September 2026

Summary of Changes Pursuant to [2026 Chapter Law 316 \(SB 564\)](#)

Adoption of new RSA 674:21-b, prohibiting length limits and housing lot caps on dead-end roads and allowing utility placement in certain buffer areas:

[2026 Chapter Law 316](#) (SB 564) creates a new RSA 674:21-b. The new law limits municipal authority to impose length restrictions on roads and caps on the number of “housing lots” on dead-end roads. The new law also limits municipal authority to regulate the placement of utilities in subdivisions, specifically impacting open-space subdivision ordinances. These subdivisions are often called “cluster developments.”

Municipalities are prohibited from limiting maximum road lengths “so as to impede development,” provided the proposed road or extension fully complies with the state fire code. It is unclear exactly when a limitation on maximum road length would impede development. In the absence of a clear legal definition or standard, municipalities can consider creating a process for evaluating proposals on a case-by-case basis or establishing local definitions and criteria for implementing this section of law.

Municipalities are explicitly permitted to require that roads and the extensions of roads comply with the state fire code. This includes but is not limited to:

- Requiring more than one fire apparatus access road when it is determined by the municipality that access by a single road could be impaired by vehicle congestion, condition of terrain, climate conditions, or other factors that could limit access (NFPA 1, 18.2.3.3).
- Ensuring all road Dimensions, Turning Radius, Bridges, Dead-Ends, and road Grade meet the state fire code requirements (NFPA 1, 18.2.3.5.1-6).
- Imposing all Water Supply and Fire Flow Requirements in accordance with those in NFPA 1, 18.3, Water Supplies, 18.4, Fire Flow Requirements for Buildings, and 18.5 Fire Hydrants.

Municipalities are also prohibited from imposing a maximum number of lots on a dead-end road or subdivision with a singular means of ingress and egress, unless the maximum number of lots permitted in the ordinance complies with the state fire code and National Fire Protection Association (NFPA) standard 1141. (NFPA 1141 was

developed in 2017 and can be accessed for free through the [NFPA's online database](#). You will need to create a free NFPA account to access their online database of fire codes.)

RSA 674:21, VI states that the new statute shall not be construed to limit the authority of municipalities to, among other things, impose reasonable conditions necessary to ensure compliance with the state fire code. A municipality presumably may impose standards relative to the number of dwelling units permitted on a dead-end road or subdivision with a singular means of ingress and egress as required by state fire code and NFPA 1141, and applicable standards in the NFPA 1144*. Some of these standards include but are not limited to:

- Requiring the number of access routes to the development in accordance with Tables 5.1.4.1 (a) and (b), Required Number of Access Routes..., and at least permitting up to 100 residential dwelling units if there is a singular access route.**
- Requiring submitted plans to demonstrate compliance with NFPA 1141 and any applicable NFPA 1144 requirements relative to the number of proposed lots (NFPA 1141, 1.3.5.1).
- Requiring the applicant submit a written proposal to the municipality regarding the level to which the NFPA 1141 shall be imposed relative to the number of proposed lots and permitted dwelling units, including justifications that demonstrate compliance, fire service impacts, and responses to testimony at any public hearings (NFPA 1141, 1.3.5.3).
- Municipalities conducting, at their option, an impact assessment of the proposed number of lots and permitted dwelling units on the dead-end road or subdivision with a singular means of ingress and egress to determine the extent of impact on fire services currently available, in accordance with Chapter 12, Capacity for Fire Protection Services (NFPA 1141, 1.3.7).

There are some areas of complexity in these codes. NFPA 1141 is included in NFPA 1140, which was developed in 2022; however, not all of NFPA 1140 is part of the NFPA 1141. Chapters 10 through 18 of NFPA 1140 are the NFPA 1141. NHMA advises municipalities to work with their Fire Chiefs to consult the NFPA 1141 directly and seek additional guidance from the state fire marshal's office to determine how these requirements work, which may apply, and how to work with them.

Quite aside from issues related to road length, of course, lots and dwelling units on a dead-end road or subdivision with a singular means of ingress and egress must also comply with other applicable land use provisions. This means that frontage, density, and all other zoning and subdivision requirements still apply.

Sections III and IV of RSA 674:21-b also requires municipalities to permit the placement of utilities within or along any designated buffer areas, including but not limited to perimeter buffers, residential buffers, setbacks, and open space areas of a subdivision or lot. The types of utilities that must be permitted within designated buffer areas include but are not limited to septic systems, wells, electric distribution, drainage structures, stormwater management structures, and other utilities. However, utilities cannot be

placed in wetlands, as defined in RSA 482-A:2, X, or protected shoreland, as defined in RSA 483-B:4, XV.

Municipalities will be required to permit the placement of or improvements appurtenant to any utility within or along wetland buffers or conservation areas of a subdivision or lot by special exception or as a conditional use. However, these areas cannot be wetlands, as defined in RSA 482-A:2, X, or protected shoreland, as defined in RSA 483-B:4, XV. It's unclear when an area of land will be wetlands or protected shoreland and not meet the state definitions for those types of environmentally sensitive lands. zoning ordinances, subdivisions and site plan regulations should be reviewed and amended as needed to permit the placement of utilities or the improvement of utilities by special exception or as a conditional use along or within these areas, with locally established criteria to determine such. Definitions for "wetlands" and "protected shoreland" should conform with state definitions to limit confusion.

Finally, RSA 674:21-b, V prohibits municipalities from imposing additional restrictions or requirements regarding building or lot size for "affected properties before the effective date of this section." Although it is not entirely clear what "affected properties" are, presumably the intent of this provision is to prevent municipalities from imposing additional lot or building requirements prior to the effective date of April 1, 2027 that would limit the number of housing lots on single-access roads. NHMA recommends that municipalities consult their regular municipal attorney to discuss whether this provision may affect proposed zoning amendments.

**NFPA 1141, 1.3.1.1 requires that land use changes in "wildland areas" shall be subject to the requirements of NFPA 1144.*

***NFPA 1141, Table 5.1.4.1 (a) permits 1-100 "households" on a dead-end road or in a subdivision with singular means of ingress and egress. While the term "household" is not defined in NFPA 1141, the term "dwelling unit" is, and the fire code often uses the terms interchangeably.*

Effective Date: April 1, 2027

Statutes Adopted: RSA 674:21-b