



**NH OFFICE OF PLANNING AND DEVELOPMENT (OPD)
 SPRING 2024 PLANNING & ZONING CONFERENCE
 SATURDAY, MAY 11, 2024**

ONLINE CONFERENCE DETAILED AGENDA

(ALL SESSIONS WILL BE RECORDED AND AVAILABLE ON [OPD'S YOUTUBE PAGE](#) FOLLOWING THE CONFERENCE)

ZONING BOARD OF ADJUSTMENT (ZBA) TRACK

8:45 – 9:00 AM **WELCOME AND INTRODUCTORY REMARKS**
Ken Gallager, Principal Planner, NH Office of Planning & Development

9:00 – 10:15 AM **ZBA DECISION MAKING PROCESS**
Matthew Serge, Esq., Drummond Woodsum
Steven M. Whitley, Esq., Drummond Woodsum

All land use decisions involve someone’s constitutionally-protected property rights. As a result, the ZBA’s decision making process is equally as important as the substance. In addition, the procedural requirements for a ZBA have changed recently in ways that affect virtually every decision these boards make. This session will walk through the process from application to hearing, from decision to appeal, and highlight common pitfalls and new legal requirements.

10:15 – 10:30 AM **BREAK**

10:30 – 11:45 AM **THE ZBA IN NH**
Christopher L. Boldt, Esq., Donahue, Tucker & Ciandella PLLC

This session will provide a detailed look at the statutory responsibilities of the ZBA including appeals of administrative decisions, special exceptions, variances and equitable waivers. This session will also provide an in-depth discussion of how the case law interprets the five variance criteria.

11:45 AM – 12:45 PM **LUNCH BREAK**



12:45 – 2:00 PM

ENFORCING BOARD DECISIONS

Steven M. Whitley, Esq., Drummond Woodsum

This session will introduce you how to efficiently and effectively enforce board decisions, particularly planning and zoning boards. Attorney Whitley will review the applicable RSAs for enforcement and court proceedings, explain the enforcement process and procedures for board decisions, identify who is responsible for enforcement of board decisions, how to write a Notice of Decision to assist in enforcement, review what conditions precedent and subsequent are and how they affect enforcement, who initiates the administrative process for starting enforcement action. As well these common questions, "What do we do if developer starts work on site, but they have not satisfied all conditions of approval?" "What if they start work but don't have permits yet?" "How and when do you initiate the revocation process?" This session is designed to help you navigate and clarify the enforcement process.

2:00 – 2:15 PM

BREAK

2:15 - 3:30 PM

ZBA Q&A

Christopher L. Boldt, Esq., Donahue, Tucker & Ciandella PLLC
Matthew Serge, Esq., Drummond Woodsum

OPD Principal Planner Ken Gallagher will moderate this session with our ZBA track presenters. Be sure to bring your questions from the morning sessions as well as any other ZBA questions and situations you may have encountered. Our long-time conference partners Chris and Matt will be available for everything ZBA in this roundtable format.