
**New Hampshire
Council on Resources and
Development**

SMART GROWTH REPORT

To

Governor Margaret Wood Hassan
and the
New Hampshire General Court

July 2016

TABLE OF CONTENTS

- I. INTRODUCTION 1
- II. UPDATE ON NEW SMART GROWTH POLICIES 2
- III. SMART GROWTH PROGRESS: STATE AGENCIES 5
 - A. OFFICE SITING 5
 - B. AGENCY POLICY 6
 - C. AGENCY GRANTS AND TECHNICAL ASSISTANCE 8
 - D. COORDINATION 9
 - E. CONFLICTS 10
 - F. CHANGES 10
- IV. SMART GROWTH: MUNICIPAL AND REGIONAL CONCERNS 11
 - A. STATE AGENCY IMPACT ON LAND USE PATTERNS 11
 - B. STATE LAW CONFLICTS WITH SMART GROWTH PRINCIPLES 11
 - C. STATE AGENCY CONSISTENCY WITH SMART GROWTH PRINCIPLES 12
 - D. STATE LEVEL RECOMMENDATIONS TO ENCOURAGE SMART GROWTH 12
- V. CONCLUSIONS AND RECOMMENDATIONS 13
 - A. RECOMMENDATIONS 13

APPENDIX

- APPENDIX A NEW HAMPSHIRE SMART GROWTH LEGISLATION AND REPORT HISTORY

I. INTRODUCTION

In 2000, the New Hampshire Legislature recognized the impact of state agency decisions on local land use patterns and enacted RSA 9-B, *State Economic Growth, Resource Protection, and Planning Policy* (see Appendix A). This statute requires each state agency to consider “smart growth” principles when providing advice, expending funds, or distributing grant monies for public works, transportation, or major capital improvement projects, and for the construction, rental, or lease of facilities.

“Smart growth” means the control of sprawl, which is the excessive use of land per unit of development. Smart growth can take a variety of forms, many of which are identified in RSA 9-B.

Although it is the responsibility of all of the state’s municipalities to engage in their own planning efforts, the state and its many agencies play an important role in encouraging or influencing patterns of development. The state may locate new offices or build highways that draw citizens into downtown areas where they will be more likely to frequent shops and restaurants and encourage even greater development of our village and city centers. Similarly, other local projects that the state funds, such as local water supply and sewer improvements, or the protection of watershed resources or critical habitat, can result in more efficient use of land.

New Hampshire Council on Resources and Development Mission Statement

New Hampshire’s state agencies, through their policies, programs, and operations, will serve as a role model to promote sustainable land use and community development that conserves energy, natural resources, the built environment and infrastructure, promotes vibrant communities, and strives to provide a high quality of life for all New Hampshire citizens.

Adopted on March 7, 2007

RSA 9-B:6 requires the Council on Resources and Development (CORD) to prepare a report every four years on the following:

- I. Progress by state agencies in considering the state’s policy on smart growth when providing advice or expending state or federal funds.
- II. Progress by the state agencies represented on CORD in coordinating their activities to encourage smart growth.
- III. Efforts to encourage development in accordance with the principles of smart growth by regular review of state operating procedures, granting policies, and regulatory framework.
- IV. Suggested policy changes or legislation that CORD believes would strengthen the state’s ability to achieve smart growth.

Since the first report in 2000, CORD has asked state agencies to evaluate their current actions that may have an impact, either positive or negative, on smart growth, and how best to address these issues in the future. Additionally, CORD has asked the agencies to identify statutes that might conflict with RSA 9-B, and how to coordinate smart growth efforts.

Starting in 2006 and 2015, respectively, CORD also sought the input of the state's 234 municipalities and nine Regional Planning Commissions. Through the direct emailing of the state's communities and Regional Planning Commissions, CORD distributed an electronic survey and invited municipal boards, councils and commissions to offer their input on the practices of state agencies and progress in meeting the requirements of RSA 9-B.

In September 2015, the New Hampshire Office of Energy and Planning (OEP), on behalf of CORD emailed surveys to 12 state agencies, 234 municipalities, and nine Regional Planning Commissions. The survey questions posed to state agencies, which are the same questions from past surveys, and responses from eight state agencies are summarized in this report. The survey questions posed to the municipalities and the Regional Planning Commissions and the responses by 23 municipalities and one Regional Planning Commission are also included in this report.

II. UPDATE ON NEW SMART GROWTH POLICIES

Since the last update of CORD's 2010 report, New Hampshire's economy has continued to rebound from the Great Recession of 2009. This has been a period of slow population growth – just over one percent between 2010 and 2015, according to Census estimates, and most of that growth was in New Hampshire's four southeastern counties (Strafford, Rockingham, Hillsborough, and Merrimack). Other parts of the state saw no overall population change in those five years, or even slight declines in population.

The Great Recession was also a period of limited housing starts and limited commercial development, which has prompted many, particularly on the municipal level, to evaluate economic development and land use policies and adapt to shifting demographic trends. These trends indicate an estimated eight percent increase in statewide population between 2010 and 2040, according to projections by the OEP. In addition, the birthrate is expected to decline over that time, while the death rate will increase, leading to a "natural decline" (excess of deaths over births) in the population; any population increases will be due to in-migration. Significantly, the population of people over 65 is expected to more than double, while the population under age 15 is expected to decrease by 14 percent.

Much of the enthusiasm and energy for following smart growth principles is found on the municipal level, where communities have focused on revitalizing downtown centers and adopting flexibility in land use regulations to encourage mixed-use development and diversity in housing and transportation options to meet the needs of New Hampshire's changing demographics. The new smart growth initiatives in New Hampshire since CORD's 2010 report include the following on the next pages.

Accessory Dwelling Units

In 2016 New Hampshire enacted an accessory dwelling unit (ADU) law (RSA 674:71 through 674:73), a bipartisan effort to encourage greater diversity in housing options to meet market demand for smaller and more affordable living units. Requiring municipalities to permit one attached ADU per single-family residence in all zoning districts that allow single-family homes will help to meet workforce demand for affordable housing as well as help to meet the needs of older citizens to live independently in their communities. ADUs also meet smart growth principles by increasing the availability of housing without the need for more land development and more infrastructure. The ADU law takes effect in June 2017.

Complete Streets

Many New Hampshire municipalities, both large and small, are seeing the benefits of adopting Complete Streets policies, a shift in transportation planning that calls for design and operation of the entire roadway right-of-way to enable safe access for all – including pedestrians, bicyclists, motorists and public transit riders – rather than designing roads only with vehicles in mind.

Concord, Portsmouth, Keene, Dover, Swanzey, Wolfeboro and many other municipalities have adopted Complete Streets policies. There is no one standard policy – each is designed to reflect the unique circumstances and needs of individual municipalities. Complete Streets projects in New Hampshire have included sidewalks and trails, designated bike lanes (or wide paved shoulders), attractive and accessible public transportation stops, frequent and safe crossing opportunities, median islands, accessible pedestrian signals, curb extensions, narrower travel lanes, roundabouts, and more.

Complete Streets make it easier to walk or bike to work, school or downtown; provide connections to various parts of town; and improve safety for pedestrians, bicyclists and motorists. They can relieve traffic congestion, support community economic development, and enhance healthy community efforts.

In 2016, the New Hampshire legislature approved a study of the benefits of a Complete Streets policy for the NH Department of Transportation (DOT). According to Smart Growth America, 32 state governments have adopted Complete Streets policies. A state level Complete Streets policy would encourage planning cooperation between individual municipalities and DOT, particularly in towns and cities in which state highways are the main downtown streets.

Granite State Future Statewide Snapshot

A three-year planning effort, spearheaded by New Hampshire's nine Regional Planning Commissions, culminated in 2015 in the publication of **The Statewide Snapshot** which focused on opportunities for future collaboration on transportation and land use issues, economic development, resource management, housing, public health, energy, and cultural, historic and natural resources preservation. The program also resulted in the development of regional plans for each of the nine Regional Planning Commissions, which in turn can be used to coordinate with municipal master plans.

The New Hampshire Livability Principles were developed as a common set of organizing ideas within the Regional Plans and The Statewide Snapshot. The Livability Principles combine the smart growth indicators found in RSA 9-B with the Federal Partnership Livability Principles of the U.S. Department of Housing and Urban Development (HUD), U.S. Department of Transportation and U.S. Environmental Protection Agency, as well as with the themes identified in municipal master plans.

The Livability Principles include:

- Traditional Settlement Patterns
- Housing Choice
- Transportation Choice
- Community and Economic Vitality
- Natural Resources Functions and Quality
- Climate Change and Energy Efficiency

Community Challenge Grant and Municipal Technical Assistance Grant Programs

In 2011, the New Hampshire Housing Finance Authority led a consortium of state agencies, institutions and organizations in developing the Community Challenge Planning Grant Program, funded with a \$1million, three-year grant from HUD. Other state agency partners included the OEP, DOT, the NH Department of Environmental Services (DES) and the Community Development Finance Authority. In addition, several leading New Hampshire nonprofits were participating partners, as was the University of New Hampshire Cooperative Extension.

The program provided 37 competitive matching grants to municipalities interested in changing land use regulations to fulfill the visions of their community master plans and to help enhance local economic, environmental and social sustainability. Projects funded included business corridor improvements, downtown form-based code initiatives, pedestrian and bicycling plan development, mixed-use zoning and low-impact development guidelines, workforce housing ordinance development, energy efficiency initiatives, village center visioning, and traditional neighborhood overlay zone initiatives.

Expanding upon the success of the Community Challenge Grant Program, New Hampshire Housing partnered in 2016 with Plan New Hampshire, several state agencies, nonprofits and business organizations on the **Municipal Technical Assistance Grant Program**, through which competitive matching grants will be awarded to municipalities to adapt land use regulations and policies to encourage a range of housing choices, mixed-use development, form-based codes, energy efficiency measures, and pedestrian and transit-oriented development projects.

III. SMART GROWTH PROGRESS: STATE AGENCIES

In the Fall of 2015, CORD sought input from several state agencies relative to their progress on smart growth matters and what CORD could do to further assist state agencies in meeting the smart growth requirements. A survey was distributed electronically to the state agencies represented on CORD and a select number of other agencies. The following are the questions (in italics) that were asked followed by a summary of responses.

A. OFFICE SITING

In an attempt to support downtown revitalization efforts, does your agency locate its own offices in downtown areas and in existing buildings whenever practical?

State agency responses to the 2015 survey showed a continued awareness of this issue. The state agencies that responded to the survey reported that they were either located in a downtown area or are in locations outside of downtown and have not relocated since the 2010 survey.

- **Department of Administrative Services** continues to seek opportunities to redevelop vacant state owned space for use by state agencies. The continued improvements to existing buildings in the Hugh J. Gallen State Office campus allowed additional state agencies, some of which were in leased buildings outside of downtown Concord, to move into state-owned buildings. Some examples include:
 - **Office of Energy and Planning** relocated in 2011 from a leased building outside of downtown to the Johnson Hall building.
 - Several of the **state's licensing boards and commissions** were consolidated and moved in 2013 into the renovated Anna Philbrook Center building.
 - **Department of Employment Security** consolidated and relocated in 2014 to the renovated Tobey building.
 - A vacant portion of the Main Building on campus was also renovated for use by **Shared Services, Corrections, and the Department of Health and Human Services**.
- **NH Housing Finance Authority's** program rules award a significant number of points for projects applying for Low Income Housing Tax Credits that are either in existing downtown or neighborhood infill sites or involve adaptive reuse of building; or are located in formally designated community revitalization areas (e.g. HUD Enterprise Zones, Main Street Programs, historic districts, designated blighted areas or otherwise targeted areas). In addition, in 2016 New Hampshire Housing partnered with Plan NH on the Municipal Technical Assistance Grant program designed to offer technical assistance grants to municipalities to encourage more diversity in housing options for New Hampshire residents.

Siting government offices can often be a smart growth challenge. The location of a new Merrimack County Courthouse is an example of the many factors at play that affect the feasibility of locating government buildings and services in downtown areas. In the case of the Merrimack County Courthouse, which has been in Concord's downtown since the 19th century, those factors include the interests of several levels of government: the state leases the building from the county; the county also houses its county attorney and sheriff's department offices in the building; and the city has a planning and development interest in keeping the building and its services downtown.

Plans to construct a new courthouse have been discussed for more than a decade but progress was slowed due to the difficulty in finding a suitable downtown location and the economic downturn of 2009. Funds were included in the state's 2015 capital budget with the goal of keeping the courthouse downtown. When a downtown location plan fell through, the approved capital budget included a plan to construct a new courthouse in the state's office complex on Hazen Drive, outside of downtown. In the meantime, local developers were working on a plan for another downtown location plan, and design of the Hazen Drive location was delayed while those plans took shape.

In 2016, House Bill 1349 was approved and signed by Governor Hassan to remove a restriction in the capital budget requiring the courthouse to be built on Hazen Drive, and Merrimack County accepted a Concord developer's plan to build a new courthouse next to the existing courthouse and renovate the older structure for use as county administrative offices.

B. AGENCY POLICY

Does your agency's mission statement and/or rules reflect the state's policy on smart growth? If not, are there plans to revise?

The 2015 survey results continue to show that many state agencies believe their missions either support or are consistent with some smart growth principles.

- **Department of Administrative Services**, Bureau of Planning and Management includes the following text in each lease request for proposals (RFP): Proposals that offer office space located in existing and/or "downtown" buildings shall be shown favorable preference during the RFP review process. This favorable preference is required by RSA 9-B, the State of New Hampshire's "Smart Growth" initiative.
- **Department of Environmental Services** continues addressing sprawl and supporting smart growth to be priorities for the Department. Promoting smart growth practices is a significant component of the Department's mission to "help sustain a high quality of life for all citizens by protecting and restoring the environment and public health in New Hampshire." Coordination with other departments and agencies on issues relative to better management of development and broad-scale long-term term planning issues remains a DES priority. The Department continues to review its program activities, policies and rules to identify ways to better support and promote the state's smart growth. DES is also implementing two policy documents that encourage smart growth.

The efficient use of land is a key consideration of the agency's 2010-2015 Strategic Plan and the encouragement of greater infill and redevelopment within or near existing community centers is a key goal of the New Hampshire Climate Change Action Plan.

- **Department of Cultural Resources, Division of Historical Resources'** mission is to promote the use and conservation of historical properties for the education, inspiration, pleasure, and enrichment of the citizens of New Hampshire. Historical properties may be buildings, structures, landscapes, sites or districts; the reuse of both individual resources and historic villages, complexes, neighborhoods and downtowns, falls squarely in line with both the sustainability and the smart growth movements.
- **Department of Resources and Economic Development** recognizes that well planned economic development is essential to the well-being and prosperity of New Hampshire citizens; it facilitates, where possible, "smart" economic growth across the state. The Department recognizes that New Hampshire's strength as a state lies in the ability to balance business creation with responsible management of our natural resources.
- **Department of Transportation's** mission is Transportation Excellence Enhancing the Quality of Life in New Hampshire. Transportation excellence in New Hampshire is fundamental to the state's sustainable economic development and land use, enhancing the environment and preserving the unique character and quality of life. The Department provides safe and secure mobility and travel options for all of the state's residents, visitors and goods movement through a transportation system and services that are well maintained, efficient and reliable, and provide seamless interstate and intrastate connectivity.
- **Fish and Game Department's** mission supports several aspects of the Smart Growth policy. Through their habitat protection programs, the Department works to protect viable wildlife habitat, clean water and viewscapes.
- **Office of Energy and Planning** is required to take a leadership role in encouraging smart growth and preserving farmland, open space land, and traditional village centers, as stated in RSA 4-C:1. OEP must also encourage and assist planning, growth management, and development activities of municipalities and groups of municipalities with the purpose of encouraging smart growth.
- **NH Housing Finance Authority's** 2014 Housing Study pointed out a mismatch between the state's housing stock and the shrinking and aging households that occupy that stock. The creation of accessory dwelling units (ADU) was suggested as one possible solution to housing barriers experienced by both aging households and young households. The information in the study was instrumental in the eventual enactment in 2016 of legislation that will allow ADUs in most residential zones, utilizing existing buildings or already developed sites.

C. AGENCY GRANTS AND TECHNICAL ASSISTANCE

In providing grants, technical assistance, education, and other forms of assistance to local communities and others, does your agency give priority to projects that strengthen village centers and downtown areas?

The progress toward implementing smart growth principles continues to occur through the state agencies' grant and technical assistance programs. Based on the 2015 survey results, most of the agencies responded that the grants they provide or the programs they coordinate in some way help to promote smart growth principles.

- **Department of Cultural Resources, Division of Historical Resources** has two primary granting programs as well as a new program from the Federal Emergency Management Agency. The Certified Local Government Grant Program is available to communities who have demonstrated a commitment to using preservation planning and tools; grants range from resource identification, to public outreach and education and rehabilitation projects. The Moose Plate Grant Program is their bricks and mortar program, offering rehabilitation dollars to projects that conserve historical properties and keep them in active community use. The Storm Recovery and Disaster Planning Grants for Historic Properties program provides a new source of grant funding to help property owners and communities plan for future disasters. Pre-disaster planning for historic and cultural resources is critical to help ensure better protection of these irreplaceable resources the next time a major disaster strikes.
- **Department of Resources and Economic Development's** sponsored programs seek to strengthen village and downtown areas through securing current jobs and facilitating the creation of new jobs. The Department has strong ties to regional planning commissions and downtown merchant associations to create opportunities for area development. The Department also has ongoing relationships with communities and encourages them to implement smart growth activities (e.g., retention/expansion of existing employers, proper zoning, and the tailoring of industry to available parcels).
- **Department of Transportation** continues to provide funding opportunities through the Safe Routes to School program and the Transportation Alternatives Program, which support the strengthening of transportation access to and from community areas such as village and downtown centers.
- **Fish and Game Department** assists municipalities to ensure that future growth has minimal impact on habitats through its Wildlife Action Plan, which was updated in 2015.
- **Office of Energy and Planning** encourages smart growth decision-making through numerous programs including the Weatherization Assistance Program, which helps to maintain the cost effectiveness and structural integrity of existing residences, reducing the need for new home construction; the Municipal and Regional Assistance Program,

which directly aids municipalities in developing and implementing local ordinances and “best practices” that promote smart growth and deter sprawl; and the Floodplain Management Program, which provides technical assistance and education to communities on adopting regulations that guide development to help promote flood resiliency.

- **NH Community Development Finance Agency** supports the development of vibrant and resilient communities by providing financial resources to nonprofits, community development organizations, counties, municipalities, and for-profit businesses through a variety of grant programs that create affordable housing, support the formation of new jobs and help retain existing employment for low and moderate income New Hampshire residents. CDFA administers nearly \$25 million in funding resources, which includes a combination of state tax credits and federal Community Development Block Grant (CDBG) and Energy Reduction Funds.
- **NH Housing Finance Authority’s** Low Income Housing Tax Credit program, the largest source of multi-family development capital in the state, heavily favors projects that exhibit smart growth principles. In addition, New Hampshire Housing partnered with Plan NH in 2016 to continue public education on the many benefits of compact development and diversity of housing types and costs, with the goal of public support for local land use regulations that create opportunities for compact development and more housing choices. The availability of smaller minimum lot sizes is an important factor in the provision of affordable housing in the state. Higher density development also can lead to increased land conservation, lower energy consumption, less need to segregate populations by age or income, broader community participation, and more efficient transportation.

D. COORDINATION

RSA 162-C:2, XII calls for CORD to coordinate state actions to meet the state’s smart growth principles. What can CORD do to help your agency assess its smart growth impact and identify opportunities to meet the requirements of RSA 9-B?

CORD, by statute, is required to coordinate state actions to meet the state’s smart growth principles. As part of the 2015 survey, state agencies were asked what CORD could do to help agencies assess their smart growth impact and identify opportunities to meet the requirements of RSA 9-B. Overall, agencies continue to express a desire for CORD to be the state’s lead coordinator and information source on smart growth principles. Below is a summary of the responses.

Many respondents to the 2015 survey stated they would like CORD to assume this role in bringing together key agencies influencing land use and development and in state efforts to implement the actions related to land use that are contained in various state policy documents such as the New Hampshire Climate Change Action Plan and State Energy Strategy.

Other responses indicated a desire for CORD to be more involved in state actions such as providing a smart growth review of state projects to ensure that they comply, to the greatest extent possible, with the state's smart growth principles and address important natural resource and community conservation objectives. Agencies also expressed that more emphasis should be placed on the consideration of smart growth policies in the regulatory review of state actions.

E. CONFLICTS

What conflicts do you see between the state's smart growth principles and laws that constrain or guide your agency's actions and policies?

The responses from the 2015 survey continue to reflect the responses from previous years' surveys. Though many agencies could not identify conflicts between existing statutes and the smart growth policy contained in RSA 9-B, a few were noted.

One of the conflicts mentioned is in regards to the state procurement law, which requires agencies to accept "the lowest cost conforming proposal," which often for leased properties is outside of downtowns. Also noted were the state and federal requirements for parking, which can be prohibitive for a state agency seeking a downtown location.

F. CHANGES

What policy or legislative changes would be necessary or beneficial to better aid your agency's ability to implement the smart growth principles of RSA 9-B?

The following are some of the responses that state agencies suggested for policy or legislative changes that are needed to better implement smart growth principles.

- Fund a separate, non-lapsing fund, continually appropriated to the Department of Environmental Services for the purpose of paying costs associated with startup and continued operation of the Integrated Land Development Permit program.
- Provide adequate promotional materials, combined with funding, to ensure the delivery of the product is successful. Like all aspects of economic development, the ability to translate a message or a policy is directly dependent upon the level of resources provided to the project.
- Need for a statewide economic development plan.
- Create a statewide smart growth coordinator who would assist agencies with smart growth efforts, educate, and ensure consistency among state agencies.
- Increase funding for programs such as Land and Community Heritage Investment Program (LCHIP) and other land conservation efforts would allow for additional land protection in support of smart growth policies.

IV. SMART GROWTH: MUNICIPAL AND REGIONAL CONCERNS

To prepare for this report, in September 2015 CORD sought the views of the state's municipal officials and Regional Planning Commissions relative to the performance of state agencies on smart growth matters. A survey was distributed electronically to all planning boards and Regional Planning Commissions in the state. The following are the questions asked (*italics*) followed by a summary of responses.

A. STATE AGENCY IMPACT ON LAND USE PATTERNS

How do state agency policies, actions, rules and regulations affect the pattern of land use in your region?

Municipal responses to the survey indicate that some state agency actions can have significant impacts on land use patterns in New Hampshire's towns and cities, particularly those of the DOT and DES. DOT decisions on state highway and intersection improvements, as well as driveway access permitting, have a direct effect on local development patterns. Environmental permitting by DES, especially shoreland, terrain alteration and wetland permitting, has an impact on the density of local development. Some municipalities express concern about scattered and premature development on the local level resulting from the issuance of these state permits, and highlight DES's lack of resources to adequately enforce state regulations. Other municipalities recognize the importance of designing local zoning regulation to complement state shoreland, terrain alteration and wetland rules. DES soil-based policies on septic system design have enabled increased housing density, according to some municipalities, which reduces the likelihood of scattered, dispersed development. However, lack of state funding assistance to municipalities for new wastewater treatment systems makes compact local development patterns more difficult for municipalities to achieve.

B. STATE LAW CONFLICTS WITH SMART GROWTH PRINCIPLES

Do you know of state laws or policies that conflict with the smart growth principles in RSA 9-B?

Some municipalities expressed frustration with what they perceive as DOT's reluctance to establish or maintain sidewalks along state highways in municipal downtowns, or permit narrow roads in town centers, traffic calming, on-street parking, placement of street trees and other measures that are accepted smart growth methods. One municipality responded to the survey by describing its experience in receiving a Transportation Enhancement Grant to improve pedestrian connectivity and vehicular circulation in its town center, only to have DOT require it to remove from its plan elements for pedestrian sidewalks and crosswalks, and traffic circulation improvements (raised medians) because they would result in additional maintenance costs for DOT.

Responses to the survey indicated that some municipalities believe DES wetland regulations permit development too close to sensitive natural resource areas, such as vernal pools, unless they fall within the jurisdiction of the Shoreland Water Quality Protection Act (RSA 483-B), or

unless municipalities take on the task of designating prime wetlands (RSA 482-A:15). They are concerned that such development has a direct impact on the quality of the state's surface waters and they advocate for scientifically defensible wetland buffer zones to aid municipalities in protecting these resources and promote smart growth development.

Some responses criticized the legislature's 2011 changes to the Shoreland Water Quality Protection Act (RSA 483-B), particularly provisions on shoreline clearing, as conflicting with RSA 9-B (smart growth), and said the provisions should be restored.

Other municipal concerns focused on state underfunding of water and sewer infrastructure projects, historic resource preservation and natural resource conservation, as well as reduced technical assistance funding for OEP and the Regional Planning Commissions, all of which undermine municipal smart growth efforts.

One municipal response suggested updating municipal record retention rules (RSA 33-A) to allow for more electronic storage, instead of requiring paper copies, which would result in more efficient use of resources.

C. STATE AGENCIES CONSISTENT WITH SMART GROWTH PRINCIPLES

Do state agencies act in a manner that is consistent with the principles of smart growth in RSA 9-B?

Most municipal survey responses indicated that state agencies generally act in a manner consistent with smart growth principles, given their funding and regulatory restraints. Enabling statutes permitting municipalities to utilize Innovative Land Use Controls (RSA 674:21) and enact historic preservation regulations were cited as helping towns and cities achieve smart growth principles. The state's Current Use Taxation program and shoreland protection laws were cited as aiding in wildlife habitat and water quality protection.

D. STATE LEVEL RECOMMENDATIONS TO ENCOURAGE SMART GROWTH

What state-level changes to statute, administrative rules, policy, or procedure would you recommend to encourage smart growth?

Municipalities responding to the survey suggested increased resources for additional technical assistance from OEP on smart growth techniques and model ordinances and expressed a need for guidance and education on "smart" zoning.

Some respondents also said state agencies should support Granite State Future's recommendations in The Statewide Snapshot, including:

- development of a state natural resource conservation plan as well as an agricultural preservation plan;
- support for energy efficiency programs, including building energy codes;

- increasing state resources for water infrastructure on a regional basis;
- providing funding to support updates to local master plans, zoning and land development regulations and land conservation efforts;
- strengthening DOT's authority to review land uses that create new traffic demand impacts on state highways and its ability to incorporate multimodal traffic mitigation strategies; and
- requiring that the use of state funds incorporate consideration of climate change impacts into development and redevelopment projects to insure that limited state funds are invested wisely and efficiently.

Other survey respondents suggested dedicating state funding for mass transit options, including rail, to reduce air pollution and vehicle miles traveled; and encouraging regional housing and transportation improvements initiatives.

V. CONCLUSIONS AND RECOMMENDATIONS

Although population changes and development patterns have shifted since 2000, state agencies must continue to incorporate smart growth principles into agency decisions, policies and procedures, and facility siting. It is also important for the state agencies to lead by example and to strengthen the smart growth opportunities of regions and municipal entities through education and partnerships. Since the establishment of the state's smart growth policy, there have been many successes and progress by state agencies in incorporating smart growth principles into their decision-making. These successes need to continue and be built upon.

CORD encourages and supports the ongoing and future actions of individual state agencies, organizations, and municipalities that strive to implement smart growth actions and ideals into their siting decisions, policies, and programs. But it is also important for CORD to take a leadership role in addressing smart growth and developing new approaches to decision-making as well as seeking out additional partnership opportunities with regional and municipal entities.

A. RECOMMENDATIONS

The following recommendations were developed to aid in the implementation of these planning efforts and collaboration.

- A. CORD should be a leader in promoting and coordinating the implementation of smart growth principles. CORD's tasks could include:
 - 1) Review annually how CORD is meeting its responsibilities regarding smart growth and to review the implementation status of these recommendations.

- 2) Establish a regular CORD meeting agenda item for brief smart growth updates from member agencies to present current or new initiatives.
 - 3) Implement the requirements in the following sections of RSA 162-C:2:
 - a. Determine a process to resolve differences or conflicts concerning development, resource management, or the encouragement of smart growth which result from the work of any agency represented on the council in developing policies, plans, or programs. (Section V)
 - b. Develop criteria and procedures for reviewing and coordinating the distribution of funds by state agencies to local and regional entities to encourage consistency with and provide support for the state's smart growth policies. (Section X)
 - c. Review actions of state agencies to ensure, in consultation with the Long Range Capital Planning and Utilization Committee established by RSA 17-M:1-3, that these actions are taken into consideration in the long range capital improvement program that is updated every 2 years in conjunction with the capital budget process, and provide recommendations to the Governor regarding whether the actions are consistent with New Hampshire's smart growth policies under RSA 9-B:5 (Section XI).
 - 4) Coordinate with and assist in the implementation of other agencies' and organizations' work to promote smart growth, through their recent policy and planning initiatives, as resources and opportunities permit.
- B. State agencies are encouraged to request CORD's comments on any programs, policies, or agency siting decisions they may be making to provide advice on their consistency with smart growth principles and how they might better support smart growth.
 - C. State agencies are encouraged to collaborate with other agencies to achieve decision-making that draws on their varied strengths.
 - D. State agencies should coordinate with municipalities and Regional Planning Commissions as they work to incorporate smart growth concepts into their decisions.
 - E. State agencies should continue building and using the GRANIT database in their decision making process. Reliable information is essential to the success of efforts to monitor growth trends and to assess the impact of sprawl. The GRANIT database is a vitally important tool to state agencies and to the public.

APPENDIX A

New Hampshire Smart Growth Legislation and Report History

Legislation History

Executive Order 99-2 – signed February 4, 1999

- Order pertaining to CORD and the preservation of New Hampshire’s traditional communities and landscapes
- CORD, both through itself and through its ten member agencies shall commence an inventory of agency actions currently underway which promote the retention of our traditional communities and landscape, and further
- CORD, and its member agencies, shall examine ways in which their current programs, rules, regulation and granting programs might be improved upon so as to insure that, as State agencies, they are working to retain our traditional landscape to the maximum extent feasible.
- CORD shall complete this process by May 15, 1999.
- CORD shall then extend this inventory and examination process so that, by September 1, 1999, all state agencies will have completed this process.
- By October 1, 1999, CORD shall prepare a report for the Governor detailing actions taken to date and recommendations for additional programmatic changes.

Chapter 9-B (9-B:1 through 9-B:6) – State Economic Growth, Resource Protection, and Planning Policy – Effective 2000

9-B:1 Findings. – The general court finds that:

- I. In addition to clean water and air, productive mountain, forest, and agricultural open space land is one of the state's most valuable assets, and is necessary for the economy and health and welfare of the citizens. The maintenance of this asset is vital if the state is to provide future generations with the same quality of life and environment that we have traditionally enjoyed.
- II. Economic development is essential to the well-being and prosperity of our citizens. However, when haphazard development sprawls across the state's landscape, our collective well-being suffers. Fortunately, economic development can take place in a form that maximizes smart growth.
- III. The state can encourage development in accordance with this chapter by regularly reviewing its operating procedures, granting policies, and regulatory framework.
- IV. A coordinated and comprehensive planning effort by state agencies on future development in the state is needed, which will not only improve our economy, but also encourages smart growth by locating development in appropriate growth areas and thus retaining as much open space land as possible for the long-term.

Source. 2000, 292:6, eff. Aug. 20, 2000.

9-B:2 Policy. – It shall be the policy of the state of New Hampshire that state agencies act in ways that encourage smart growth. *Source. 2000, 292:6, eff. Aug. 20, 2000.*

9-B:3 Definition. – In this chapter, "smart growth" means the control of haphazard and unplanned development and the use of land which results over time, in the inflation of the amount of land used per unit of human development, and of the degree of dispersal between such land areas. "Smart growth" also means the development and use of land in such a manner that its physical, visual, or audible consequences are appropriate to the traditional and historic New Hampshire landscape. Smart growth may include denser development of existing communities, encouragement of mixed uses in such communities, the protection of villages, and planning so as to create ease of movement within and among communities. Smart growth preserves the integrity of open space in agricultural, forested, and undeveloped areas. The results of smart growth may include, but shall not be limited to:

- I. Vibrant commercial activity within cities and towns.
- II. Strong sense of community identity.
- III. Adherence to traditional settlement patterns when siting municipal and public buildings and services.
- IV. Ample alternate transportation modes.
- V. Uncongested roads.
- VI. Decreased water and air pollution.
- VII. Clean aquifer recharge areas.
- VIII. Viable wildlife habitat.
- IX. Attractive views of the landscape.
- X. Preservation of historic village centers.

Source. 2000, 292:6, *eff. Aug. 20, 2000.*

9-B:4 Expenditure of State or Federal Funds. – All state agencies shall give due consideration to the state's policy on smart growth under RSA 9-B:2 when providing advice or expending state or federal funds, for their own use or as pass-through grants, for public works, transportation, or major capital improvement projects, and for the construction, rental, or lease of facilities. The intent of this action is that new investments and grants for existing sites and buildings in existing community centers will be given preference over investments in outlying areas where that is a practical solution for the use and community in question. *Source.* 2000, 292:6, *eff. Aug. 20, 2000.*

9-B:5 Procedures for Review. – The governor shall review actions taken by state agencies relative to the provisions of RSA 9-B:4 to ensure compliance with this chapter. The governor shall establish procedures for review no later than December 1, 2000. *Source.* 2000, 292:6, *eff. Aug. 20, 2000.*

9-B:6 Report to the General Court and the Governor. – By October 1 of 2001, and every 4 years thereafter, the council on resources and development, established in RSA 162-C, shall report to the general court and the governor on the following:

- I. Progress by state agencies in complying with the expenditure requirements under RSA 9-B:4.
- II. Progress by the state agencies represented on the council in coordinating the activities to encourage smart growth.
- III. Efforts made to encourage development in accordance with this chapter by regular review of state operating procedures, granting policies, and regulatory framework.
- IV. Suggested policy changes or legislation that the council believes would strengthen the state's ability to achieve the smart growth goal of RSA 9-B:2.
- V. An assessment of how state agencies are complying with the goals and objectives established in the statewide development plan, under RSA 9-A, and an identification of any suggested changes.

Source. 2000, 292:6. 2002, 229:6, 7, *eff. July 1, 2002.*

Smart Growth Report History

1999 - Report to Governor Shaheen on Sprawl

- Report completed in response to Executive Order 99-2.
 - Summary of state agencies' current actions and recommendations.
 - CORD inventory of state agency programs, practices and projects that limit sprawl.

2000 Annual Report on Sprawl

- Summary of state agency responses of what they are currently doing on sprawl, and how they might better address these issues in the future.

2001 State Agencies Annual Report on Growth Management

- Summary of state agency responses of what they are currently doing on sprawl, and how they might better address these issues in the future.

2006 Report on Growth Management

- Summarizes state agencies' efforts to implement the state's smart growth through their provision of advice, expenditure of state or federal funds, activity coordination, and within their operating procedures, granting policies, and regulatory framework.
- Identifies potential policy changes or legislation that could strengthen agencies' ability to comply with the smart growth principles.
- Includes responses for the first time by municipalities relative to the performance of state agencies on smart growth matters.
- Identifies several recommendations.
- Recommendations that were implemented:
 - CORD adopted mission statement – March 7, 2007
 - State Agency Smart Growth Survey and Results - 2008

2010 Report on Growth Management

- Summarizes state agencies' efforts to implement the state's smart growth through their provision of advice, expenditure of state or federal funds, activity coordination, and within their operating procedures, granting policies, and regulatory framework.
- Identifies potential policy changes or legislation that could strengthen agencies' ability to comply with the smart growth principles.
- Includes responses by municipalities relative to the performance of state agencies on smart growth matters.
- Identifies several recommendations to be implemented by either CORD or state agencies to further their smart growth initiatives.