

2023 NH OPD SPRING PLANNING AND ZONING CONFERENCE

Welcome to the 2023 NH OPD Spring Planning
and Zoning Conference!

The session will begin shortly.

Check out our Planning and Zoning Training website page
for:

- Slides and recording of all completed webinars in the PLAN series
- Schedule for upcoming webinars
- A short, anonymous online survey to gather feedback and topics for future webinars

[Click here for the quick conference evaluation survey.](#)

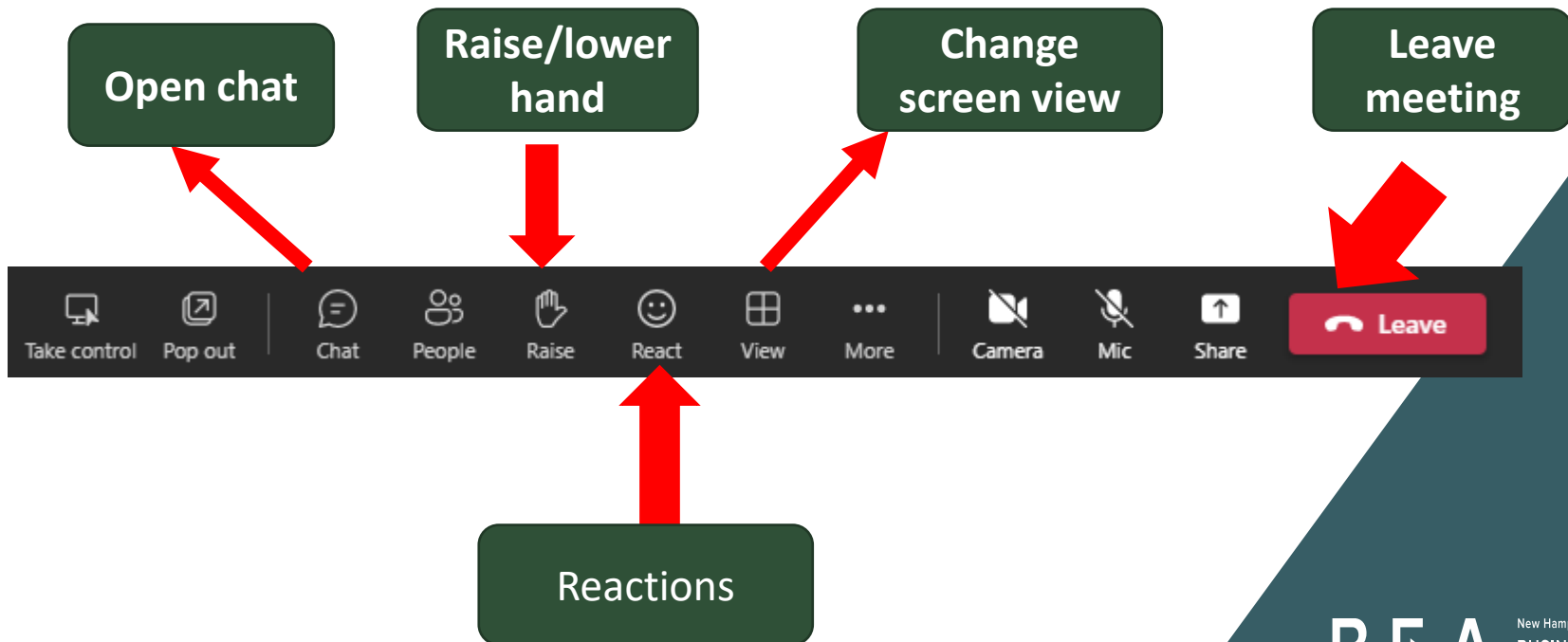
OPD PLANNING AND ZONING TRAINING

Webinar Logistics

Question and Answer session

- ▶ Type questions into Chat box
- ▶ Raise hand

- ▶ We will be **recording** the presentation portion of this webinar.



PLANNING BOARD POLICIES AND PROCEDURES

Presenter

**Stephanie N. Verdile, Principal Planner
Office of Planning and Development**

April 29, 2023

Agenda

- Planning Board Organization
- Rules of Procedure
- Planning Board Application processes
- Purpose and need for Checklists and Waivers
- What about site walks?
- Third Party Review
- Technical Review Committee
- Zoning Amendments
- Board member responsibilities

Planning Process

Create Planning Board-Elect Officers

Set Bylaws/
Rules Of Procedure

Adopt Master Plan

Capital Improvement
Program

Zoning
Ordinance

Subdivision
Regulations

Impact Fees

Zoning Board
of Adjustment

Site Plan
Regulations

Planning Board Application Process 676:4

1. Application submitted to the planning board according to the board's meeting and deadline schedule or at a minimum of 21 days before a public hearing.
2. 676:4.I(b) the planning board SHALL specify by regulation (*674:36 Subdivision/ 674:44 Site Plan*) what constitutes a completed application sufficient to invoke jurisdiction to obtain approval. A completed application means that sufficient information is included to allow the board to proceed with consideration and make an informed decision.
 - Checklists

Planning Board

Application Process Continued

1. Subdivision Regulations 674:36

2. Site Plan Regulations 674:44

- Waivers

- ▶ Applicants must show good cause that strict conformity to the regulations would cause an unnecessary hardship and a waiver would not go against the spirit and intent of the regulations.
- ▶ Waiver requests should be in writing and should identify the section of the regulation in which the waiver is being requested.
- ▶ The board should be clear in their reason for granting OR not granting the waiver and ask-

“Is there enough information to make an informed decision?” (Yes or No)

- ▶ PUT DECISION IN WRITING
- ▶ Work with the applicant

Application Process Cont'd

1. If you reject an application as incomplete, state in writing what was missing i.e., fees, plans, and explain what is required in order for the application to BECOME complete.
2. There is no public hearing for incomplete applications. The board should not be allowing any input or discussion on the application. (Check with Town Attorney)
3. Resubmission should include all fees
4. Applications that are not “materially” (significant and/or relevant changes) different or do not comply with regulations (without granted waivers) should be rejected

Site Walks

- Site walks are public meetings
- Minutes must be kept and the public has the right to attend.
- **The property owner must consent to allow board members and the public to visit the site, if that consent not given, the site visit must be canceled.**
- Individual members could visit sites, but not with other members.

Third Party Review (RSA 676:4-b)

- Hire experts/engineer to help you
 - large applications, controversial issues, unusual subject matter
 - Get an estimate, establish an applicant-funded escrow (separate account)
- Role of the expert/engineer
 - Work with applicant to develop a plan that complies with the local regs and includes sound planning principles.
 - Provide review on behalf of the municipality
 - Support a basis for approval or denial

Technical Review Committee (TRC)

674:43 Power to Review Site Plans. –

674:43. III The local legislative body of a municipality may by ordinance or resolution authorize the planning board to delegate its site review powers and duties in regard to minor site plans to a committee of technically qualified administrators chosen by the planning board from the departments of public works, engineering, community development, planning, or other similar departments in the municipality. This special site review committee may have final authority to approve or disapprove site plans reviewed by it...If a municipality authorizes a site review committee in accordance with this paragraph, the planning board shall adopt or amend its regulations specifying application, acceptance and approval procedures and defining what size and kind of site plans may be reviewed by the site review committee prior to authorizing the committee.

What is a TRC?

- A committee appointed and authorized by the Legislative bodies of the municipality either by the City Council or Town Meeting vote.
- Made up of municipal officials, department heads, other board or commission members.
- There is a Chair and Vice-Chair of the TRC. It is an arm of the planning board.
- Legislative bodies determine the type of TRC either with site plan review authority or without review authority.

Why have a TRC?

- Part of the development review process.
- Provide technical assistance to applicants on the development process for better plans and developments .
- Informs all town departments on development projects.
- Create and foster communication with the planning board and municipal departments.

TRC with Site Plan Approval Authority

- TRC with Approval Authority over Minor Site Plan Review process
 - Planning Board creates criteria/thresholds for what constitutes minor site plans. Include change of use
- TRC included in either the zoning ordinance or planning board regulations as well as in the site plan review regulations.
- TRC should have same rules as planning board i.e. what a completed application should be, approval process, denials, waivers, rules of procedures meeting dates, application, and review process, etc.

Benefits of a TRC

- TRC with site plan approval authority:
 - Alleviates the planning board from having to review minor site plans
 - Streamlines the development process for the applicant
 - Can save municipality and the developer time and money in the development process
 - Can provide Conceptual Consultation review input for applicant

Benefits of a TRC Cont'd

- TRC with site plan approval authority:
 - Alleviates the planning board from having to review minor site plans and changes of use applications
 - Streamlines the development process for the applicant
 - Can save municipality and the developer time and money in the development process
 - Can provide Conceptual Consultation review input for applicant

Benefits of a TRC Cont'd

- Fosters cooperation and communication with municipal departments over development projects
- Inform departments of large projects
- Can assist departments with budgets and CIP

Tips for Zoning Amendments

- Review sections that have resulted in multiple variances or special exceptions – coordinate with ZBA/CEO.
- Talk with other municipal boards and staff
- Review Table of Permitted Uses and Definitions. (APA, Dictionary)
- Have a planning board member or staff at polls
- State regulatory changes “As amended” (CSPA, Wetlands, Excavation, etc.)

Practice Pointer-utilize a “Housekeeping Clause”

The Planning Board has the authority to assign and modify numbering and sections to the Zoning Ordinance provided that no substantive change to the ordinance shall occur as a result of the changes

Tips for Zoning Amendments Cont'd

- Start EARLY in the process-in the summer!
- Consider adding Work Sessions to monthly meetings
- Keep a running list of potential amendments all year
- Keep good records of notices and minutes
- Don't propose an amendment that will conflict with other sections of the ZO, the Master Plan, or other land use regulations
- Don't take on too many amendments
- Take advantage of RSA 676:12.
 - The building inspector shall not issue any building permit within the 120 days prior to the annual or special town or village district meeting if-
 - (a)Application for such permit is made after the first legal notice of proposed changes in the building code or zoning ordinance has been posted pursuant to the provisions of RSA 675:7 and..”

How to be a good board member

- DO YOUR HOMEWORK!
- Be fair and unbiased
- Attend the meetings, be on time, look presentable
- Work with staff on learning ordinances
- Cooperate with other boards
- Be respectful to fellow members and the public
- DO NOT COMMUNICATE VIA EMAIL (RSA 91-A)

How to be a good board member cont'd

- Do not use social media to discuss applications
- Do not develop or express preconceived opinions about any applications
- Do not abstain
- Recuse yourself when appropriate (674:14,I)
- Juror Standard (500-A:12 Examination)
 - Expects to gain or lose from the case
 - Is related to either party
 - Has advised or assisted either party
 - Directly or indirectly given or formed an opinion
 - When in doubt-don't

Contact Information

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Thank you!

- **All Conference Session slides and recordings will be available next week [online](#)**

Feedback Encouraged!

- **Please fill out the anonymous evaluation form that can be found at link below**

[Click Here for Feedback Survey](#)

- **[NH OPD Training Webpage](#)**

LUNCH BREAK

SESSIONS WILL RESUME AT 12:45 PM

Next Session:

*Preparing Planning Boards for Solar Farms and
EV Fast-Charging Stations*

Tom Morgan, AICP, TZM Planning