

HELP!

**I'VE JUST JOINED A LOCAL
LAND USE BOARD. WHAT
SHOULD I DO NOW?**

**INTRODUCTION TO LOCAL LAND USE BOARDS
IN NEW HAMPSHIRE**

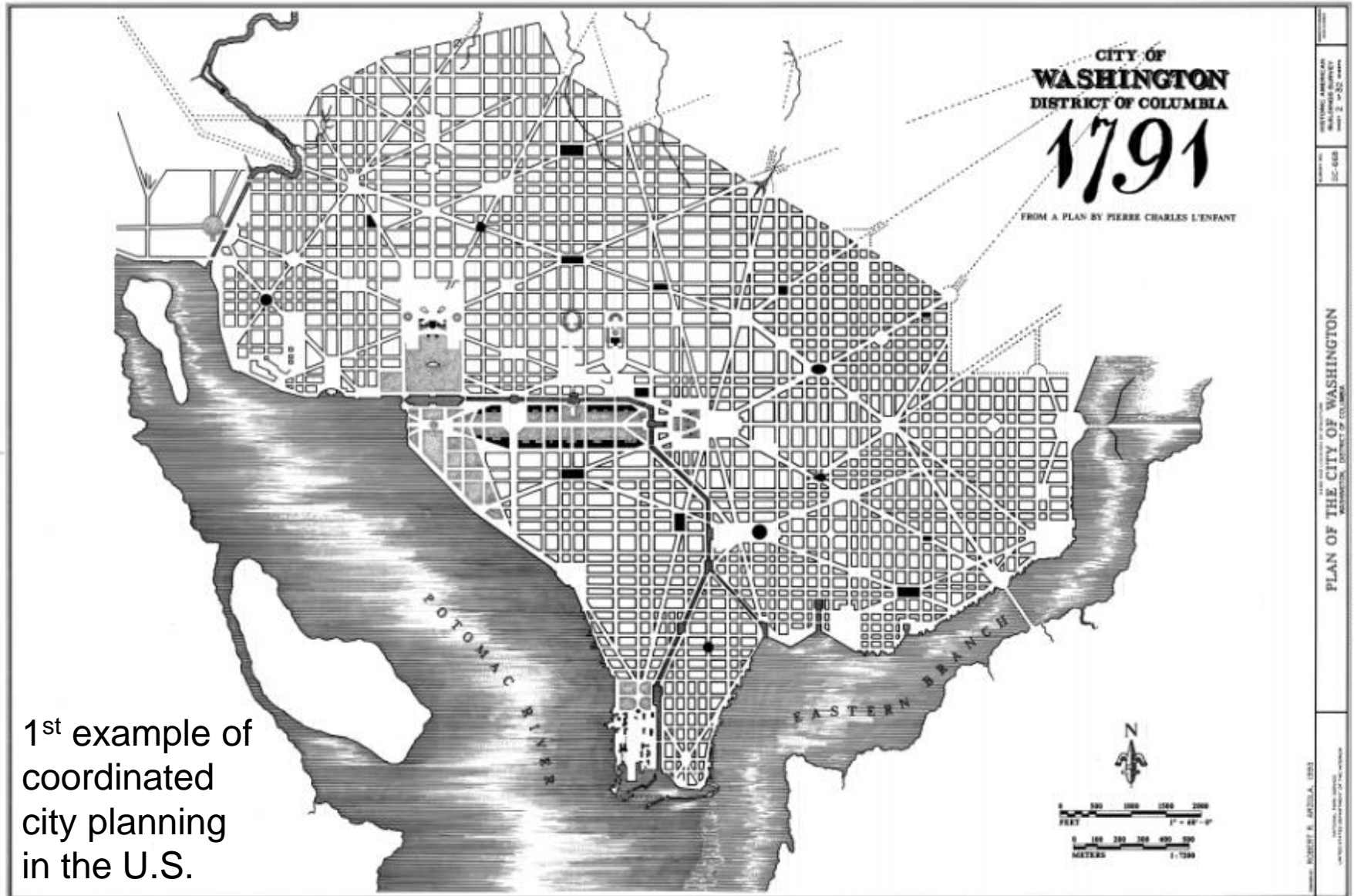
NH OFFICE OF STRATEGIC INITIATIVES

2018 ANNUAL PLANNING & ZONING CONFERENCE

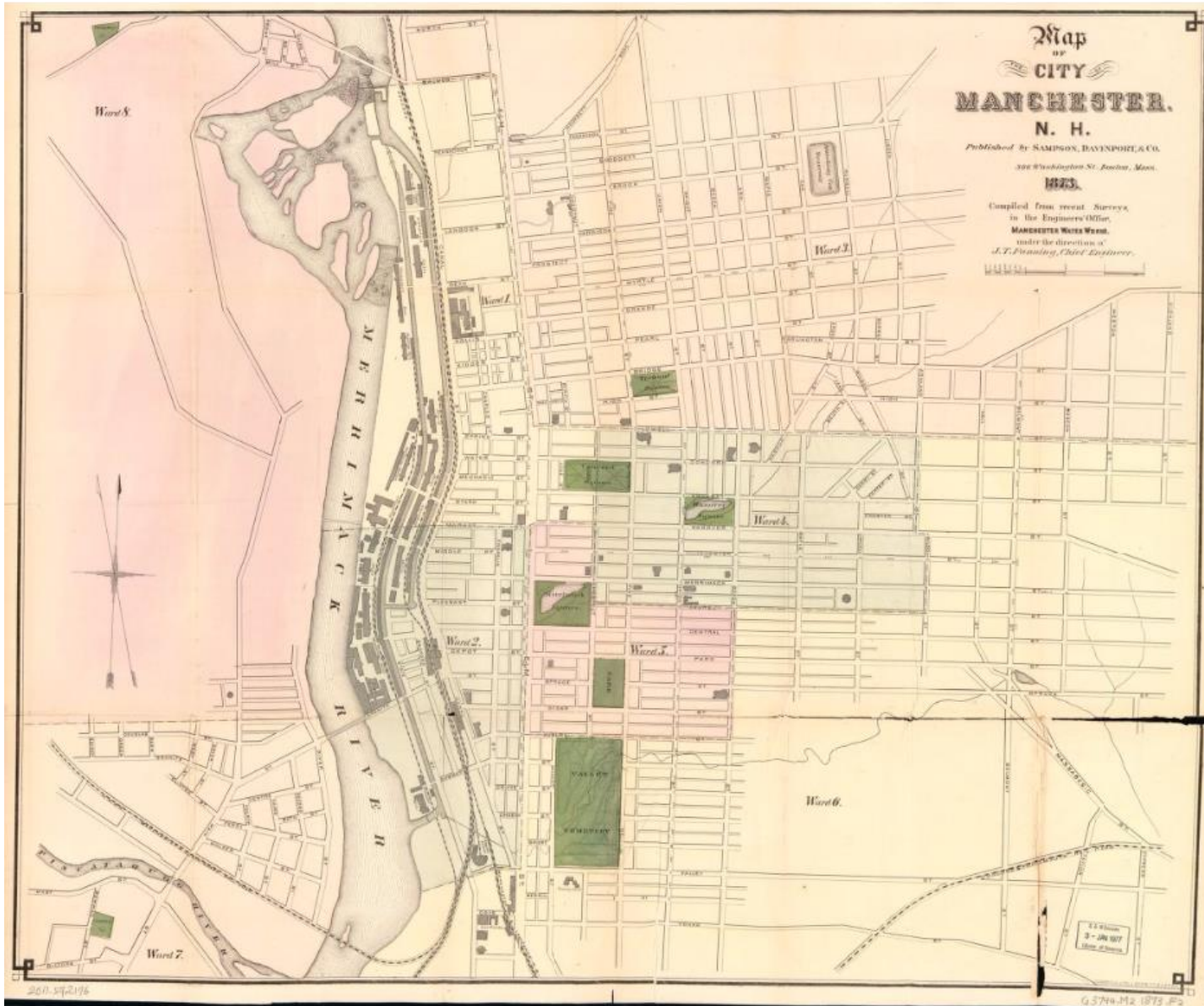
FIRST MEETING

- **Elected or appointed?**
- **Oath of office? RSA 42:1**
- **Alternate?**
- **Three-year term?**
- **CCTV?**
- **How did it go?**

PLANNING HISTORY

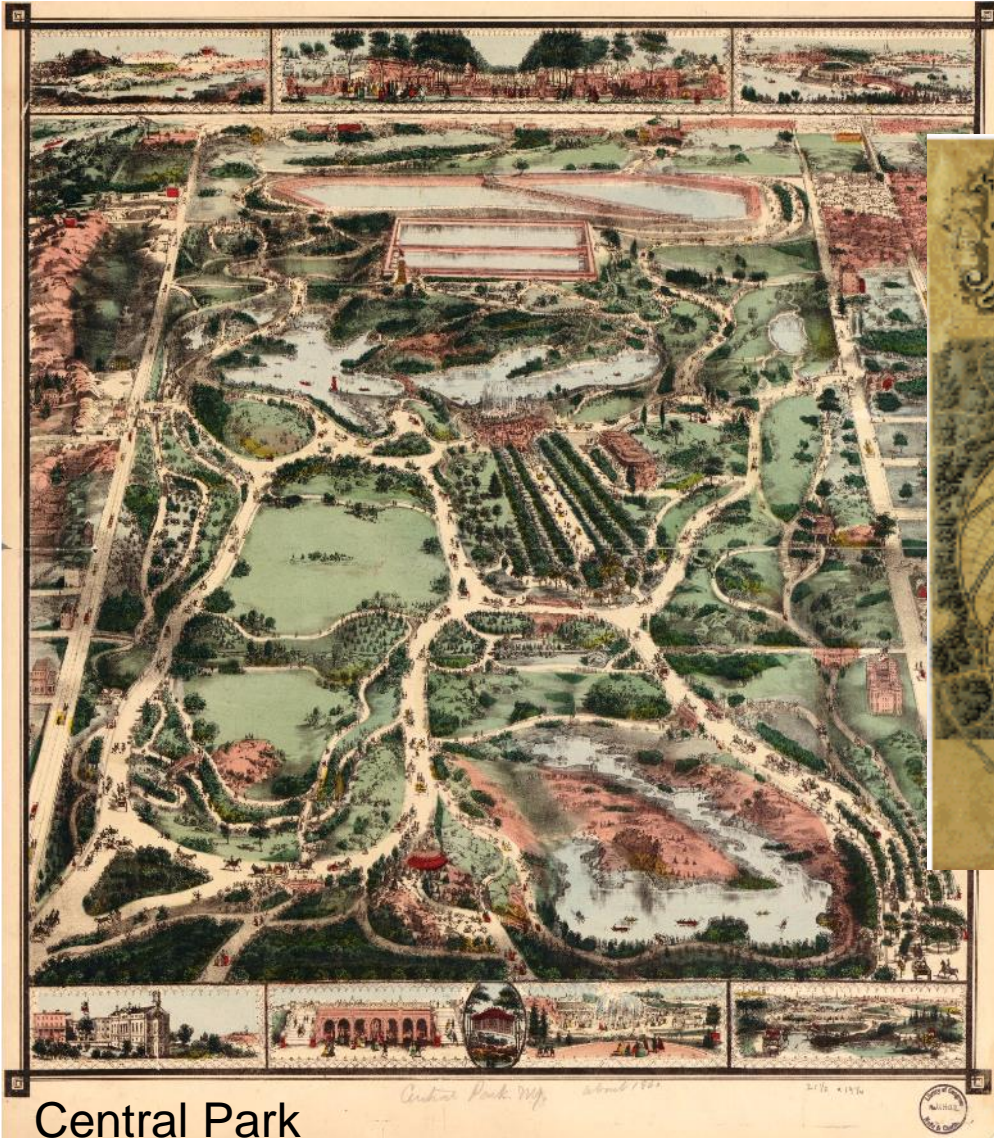


PLANNING HISTORY

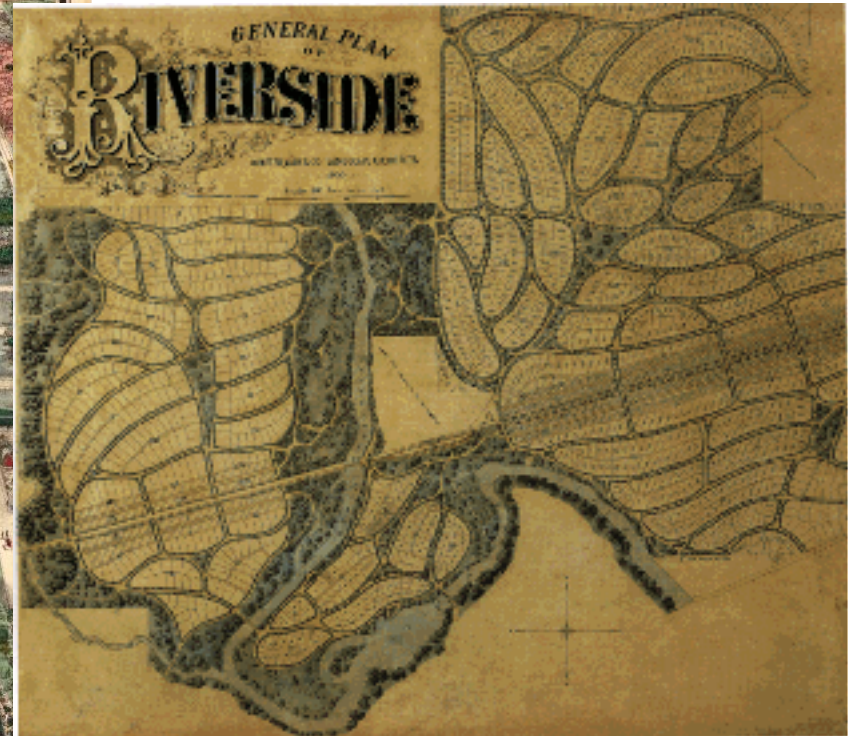


1800's
Planned
Industrial
Communities

PLANNING HISTORY



Central Park



1800's Landscape Planning
and Suburban Communities

ZONING HISTORY



*Elm Street looking north from the top of the former Amoskeag Bank building.
Photograph by Ulric Bourgeois, circa 1927. (MVHC)*

Early 1900's
1st Zoning
Ordinances
Keene
Manchester
Nashua
Portsmouth
Concord

THE FOUNDATIONS

Health

Safety

Welfare

CURRENT TRENDS



New Urbanism

CURRENT TRENDS

New Ruralism



CURRENT TRENDS



Complete
Streets

Left:
Concord,
NH

CURRENT TRENDS



HOT TOPICS

- **Accessory Dwelling Units. See RSA 674:71 – 73**
- **Solar panels (residential and commercial)**
- **Agricultural and agritourism uses**
- **Housing deficiencies**

LAND USE BOARDS

RSA 672:7 - defines land use board

- **Planning board**
- **Historic District Commissions**
- **Inspector of buildings**
- **Zoning board of adjustment**
- **Others authorized by RSA 673 or the legislative body**
 - Heritage Commission
 - Agriculture Commission
 - Housing Commission

OTHER BOARDS

Board of Selectmen/City or Town Council

- Municipal governing body
- Ex-officio member of Planning Board
- Employ the building inspector/code officer
- Control the purse strings

OTHER BOARDS

Conservation Commission

- Not defined as a land use board. It is established under RSA 36-A.
- Its opinion is often sought by the PB and referenced in a zoning ordinance or planning regulation as giving an advisory opinion

CONNECTIONS

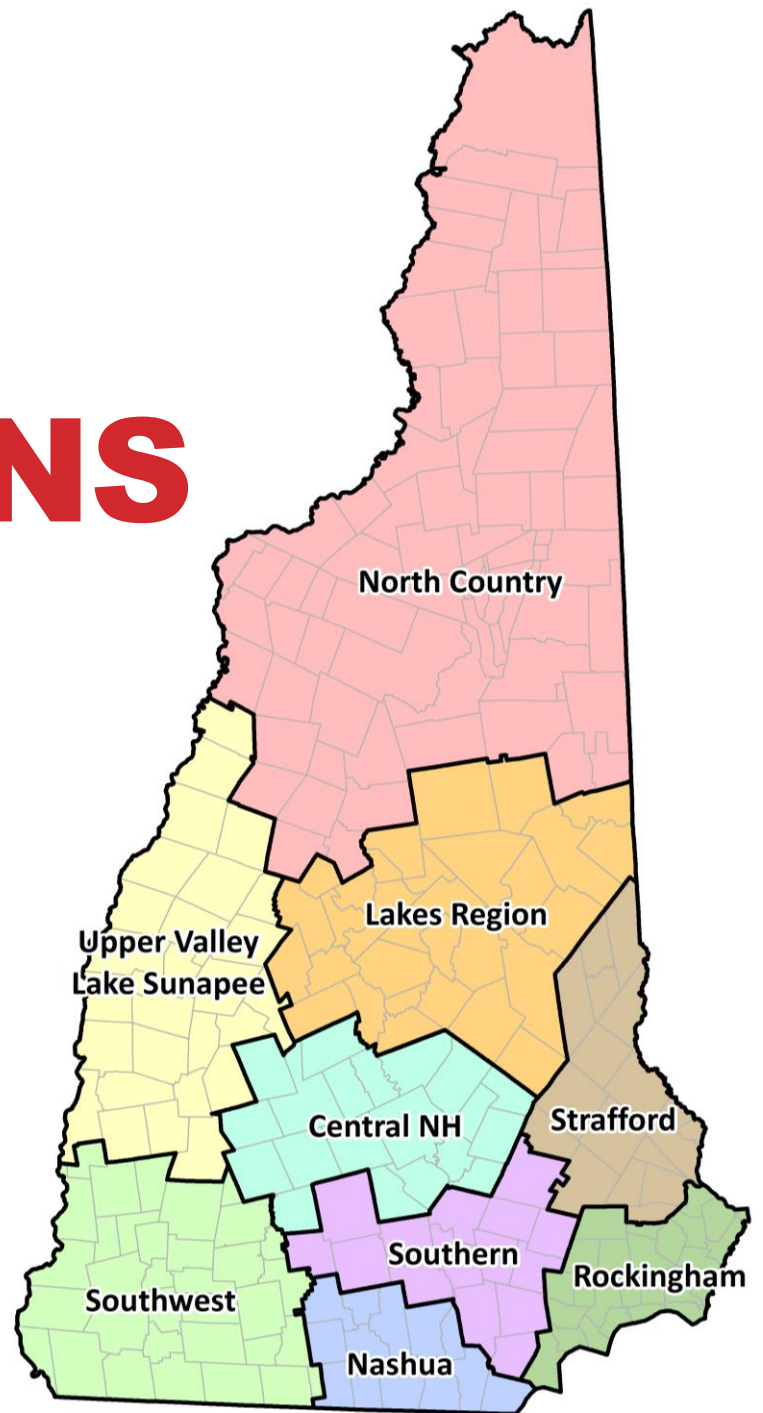
Linking Local, Regional, and State Planning

**State
Development
Plan
RSA 9-A**

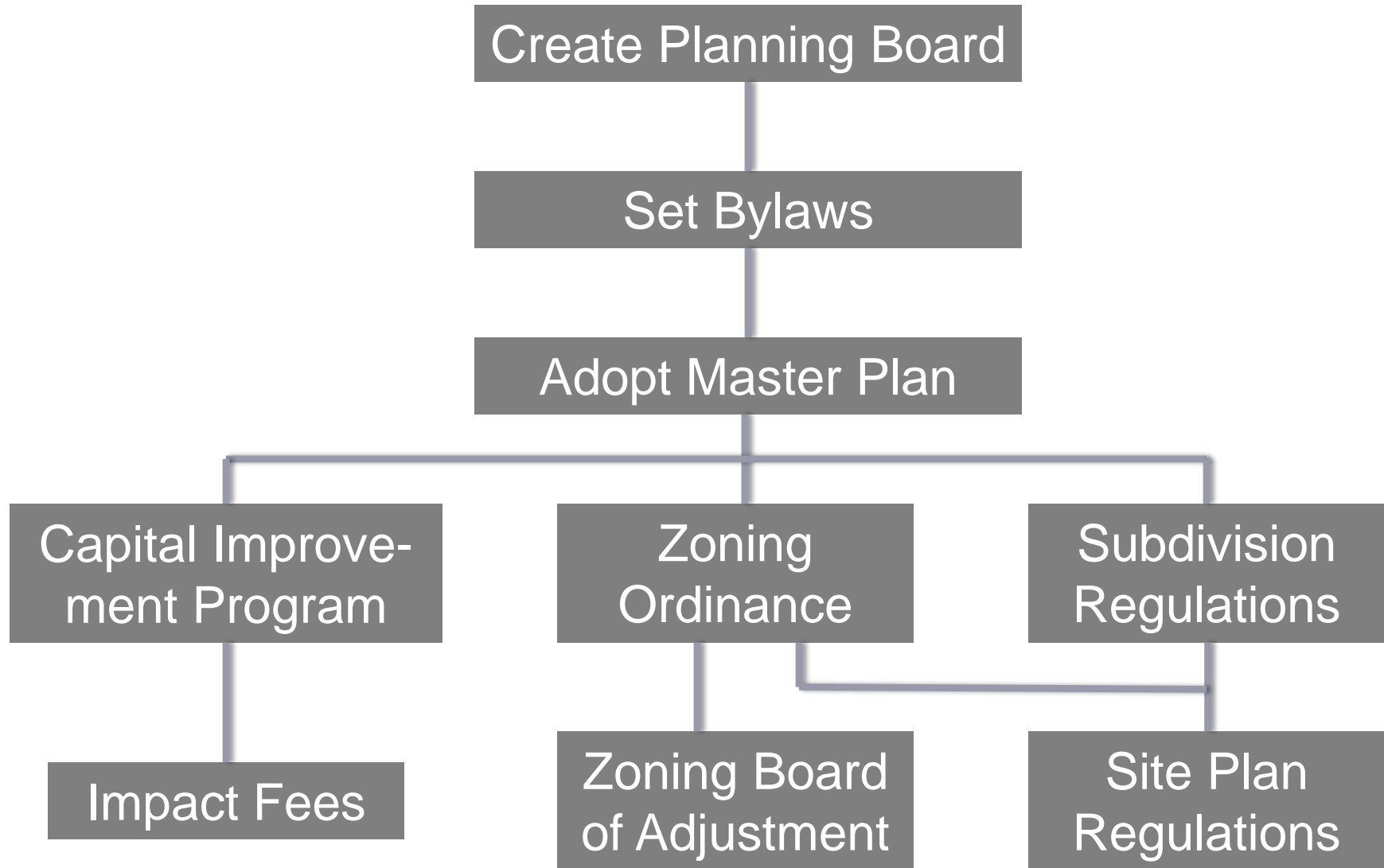
**Regional
Planning
RSA 36:47**

**Local Master
Plan
RSA 674:2**

REGIONAL PLANNING COMMISSIONS



PLANNING PROCESS



THE LAW

Finding Statutes, Rules and Case Law

- **RSAs – Revised Statutes Annotated**
 - Planning and Zoning laws – RSA Chapters 672 to 678
 - Right to Know Law – RSA Chapter 91-A
- **Administrative Rules**
- **NH Supreme Court**

RULES OF PROCEDURE

RSA 676:1 – requires the board to adopt rules

Guide for board members, applicants, abutters, and the public

- **Know what to expect**
- **Avoid arbitrary process**

HOW TO BE A GOOD BOARD MEMBER

- **Prepare**
 - Study ordinances, regulations
 - Keep the Master Plan in mind
 - Avoid conflicts, prejudgment

ROLE OF THE BOARD CHAIR

- **Power of the gavel**
- **Setting the tone**

PLANNING BOARD ROLES

Master Plan (RSA 674:2-4)

Zoning Ordinance (674:16)

Subdivision Regulations (674:36)

Site Plan Review Regulations (RSA 674:44)

Capital Improvement Plan (RSA 675:5-8)

- **Growth Management (RSA 674:22)**
- **Impact Fees (674:21)**

Extraction Permits (RSA 155-E:1)

THE BASICS

RSA 673 & RSA 91-A (Right to Know)

- **Organization – Chair, Meetings**
- **Minutes – 5 days to produce**
- **Written Decisions – Available**
- **Members – Towns: 5 or 7 member board 3 Year Terms**
- **Alternates--Appointed or Elected, Up to 5 by statute**

ZBA ROLES

RSA 674:33

- **Appeals of Administrative Decisions**
- **Variances**
 - 5 criteria listed in statute
- **Special Exceptions**
 - Criteria enumerated in zoning ordinance

MEETINGS

Public v. Nonpublic

- Meeting with legal counsel

Meeting v. Public hearing

MEETING CONDUCT

- **Come prepared**—your decisions will affect the applicant and your community
- **Remain impartial**—you are a juror's role when you hear an application.
- **Maintain order and respect**—address the chair
- **Adhere to the ordinance and regulations**—so learn them well!
- **Stay focused on the issues**—don't get sidetracked by interesting, but irrelevant topics

PLANNING STAFF

- **Town planning staff/No town planning staff**
- **RPC consultation**
- **Other consultants**

DISQUALIFICATION

Notify the chair ASAP (before hearing begins) if you need to disqualify so an alternate can be seated

Disqualified members can not sit at the table

Disqualify if you have a personal or financial interest Conflicts may exist if:

- Expect to gain or loose
- Related to the applicant
- Advised or assisted the applicant
- Given an opinion on the matter
- Prejudged the matter
- Employ the applicant or agent
- Employed by a party in the case

THE MASTER PLAN

Land use and development principles

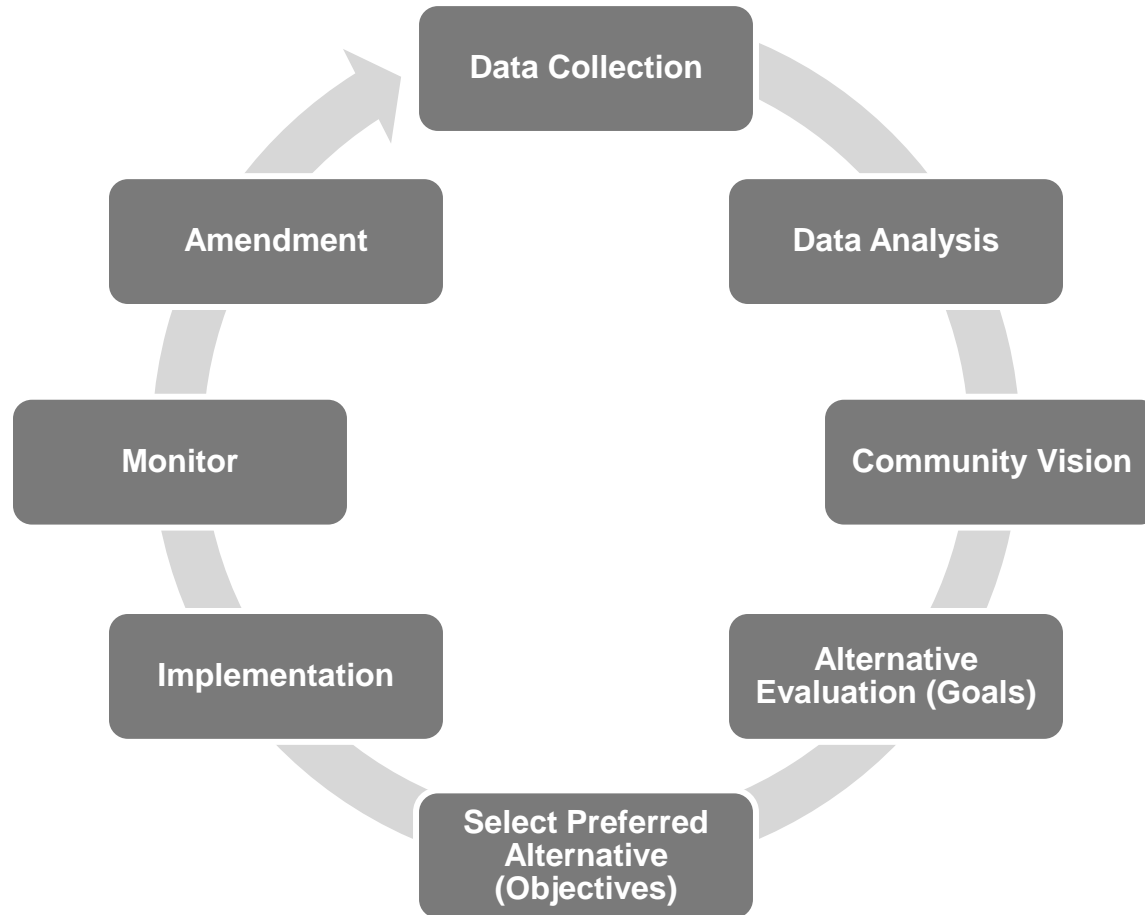
Maps, diagrams, charts and descriptions

Legal standing to the implementation of the Town's vision

Accounts for social and economic values

**Describes how, why, when and where the
community should build, rebuild and preserve**

THE MASTER PLAN



THE MASTER PLAN

Vision (required)

Land Use (required)

Natural Resources

Economic

Development

Community Facilities

Utilities

Transportation

Historic Resources

Housing

Community Design

Cultural Resources

Energy

Natural Hazards

Neighborhood Plan

Regional Concern

Implementation

THE MASTER PLAN

DO THINK OF THE PLAN AS:

The Town's vision

**A living dynamic
document**

**A tool for
community
growth**

**A guide for capital
investment**

DON'T THINK OF THE PLAN AS:

Regulations

A static document

Funding

A burden

ZONING ORDINANCE








- **The Planning Board RECOMMENDS and does not adopt zoning ordinances**
- **Adoption of a Master Plan is a prerequisite**
- **The Zoning Ordinance and amendments should support or implement the goals of the Master Plan**

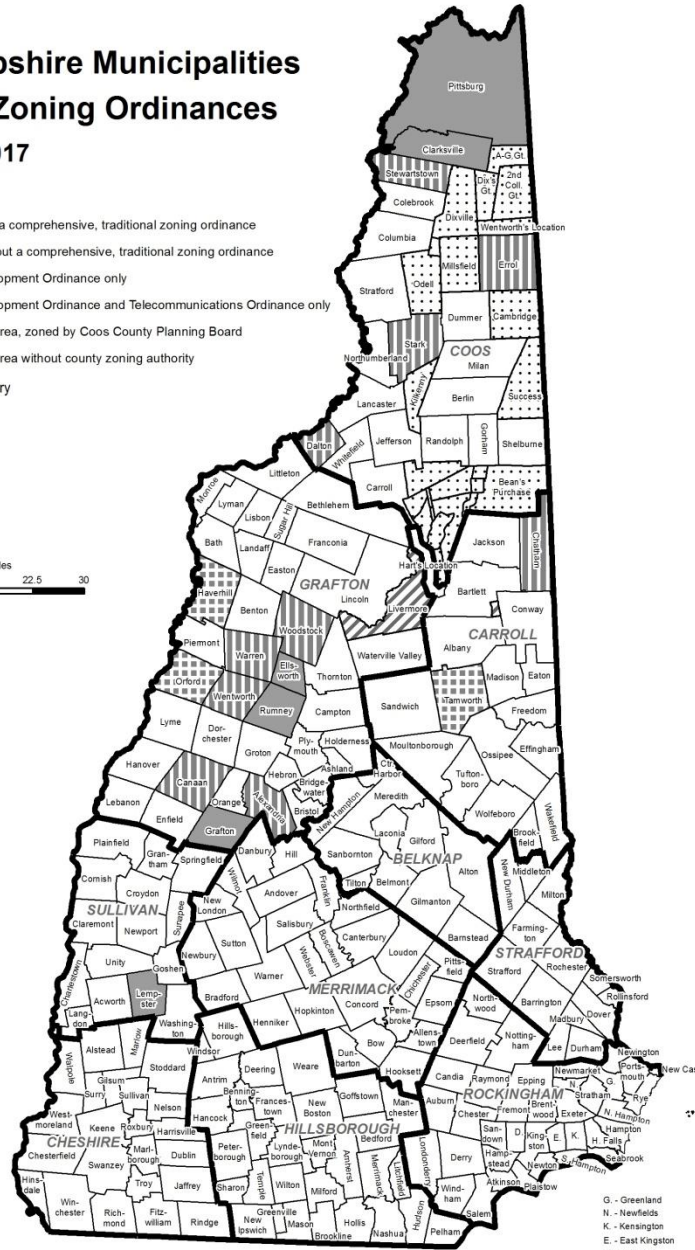
ZONING ADOPTION

- **PB reviews and drafts proposals based upon needs**
- **PB holds a public hearing to receive feedback on proposed ordinance or amendments**
- **PB can vote to send the ordinance or amendment to Town Meeting**
- **Warrant article drafted, placed on agenda, presented at deliberative session**
- **Warrant article voted on by the Legislative Body at Town Meeting**
- **If adopted, the article is incorporated into the Ordinance**

New Hampshire Municipalities Status of Zoning Ordinances

December 2017

-  Municipality with a comprehensive, traditional zoning ordinance
-  Municipality without a comprehensive, traditional zoning ordinance
-  Floodplain Development Ordinance only
-  Floodplain Development Ordinance and Telecommunications Ordinance only
-  Unincorporated area, zoned by Coos County Planning Board
-  Unincorporated area without county zoning authority
-  County boundary



- G. - Greenland
- N. - Newfields
- K. - Kensington
- E. - East Kingston
- D. - Danville

Map produced at NH Office of Strategic Initiatives, December 2017.

SUBDIVISION REGULATIONS

MAY Address:

- **Services**
- **Street layout**
- **Utilities**
- **Health**
- **Open space**
- **Configuration**
- **And More...**

SITE PLAN REGULATIONS

MUST Address:

- **Procedures**
- **Purpose**
- **Standards**
- **Performance Guarantees**
- **Waiver Provisions**

SITE PLAN REGULATIONS

MAY Address:

- **Traffic**
- **Parking**
- **Utilities**
- **Landscaping**
- **Building location**
- **Signage**
- **And More...**

SUBDIVISION AND SITE PLAN ADOPTION PROCESS

The Planning Board:

- **Reviews and drafts proposals**
- **Holds a public hearing**
- **Adopts the proposal**

CONTACT US

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