

Planning Lunches at Noon (PLAN) Monthly Webinar Services

Welcome to the PLAN Monthly Webinar Series!
The webinar will begin shortly.

Check out our Planning and Zoning Training website page

- 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

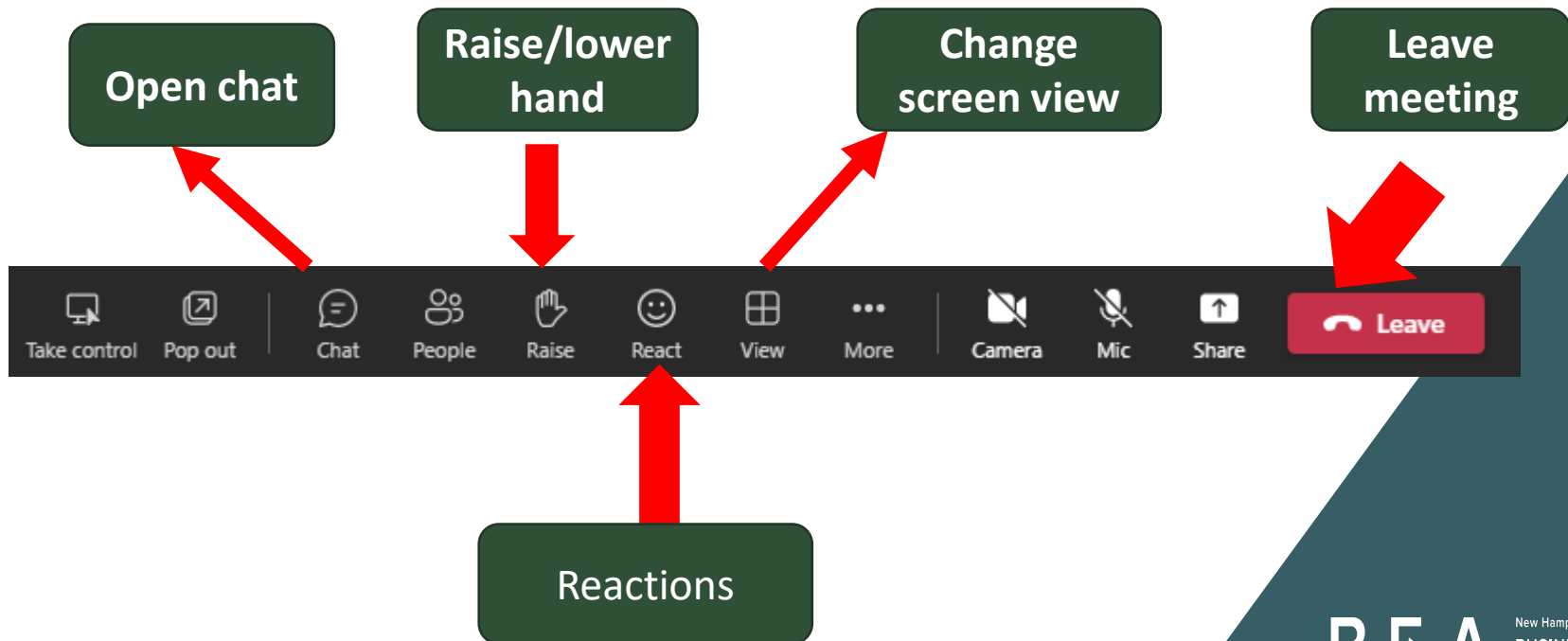
www.nh.gov/osi/planning/planning-training.htm

Webinar Logistics

Presentation then Question and Answer session

- ▶ Type questions into Chat box
- ▶ Raise hand

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



CONGRATULATIONS, YOU'RE A BOARD MEMBER NOW! WHAT'S NEXT?

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

Alvina Snegach, Assistant Planner
NH Office of Planning and Development

Agenda

- Introduction to OPD
- Purposes and definitions of Zoning and Planning
- History of Zoning in the US and NH
- NH Land Use Laws
- Introduction to NH Land Use Boards
- Review board responsibilities
- Tips on how to be a good board member
- Planning and Zoning Alphabet Soup
- Question and Answer

NH Department of Business and Economic Affairs Office of Planning and Development Overview

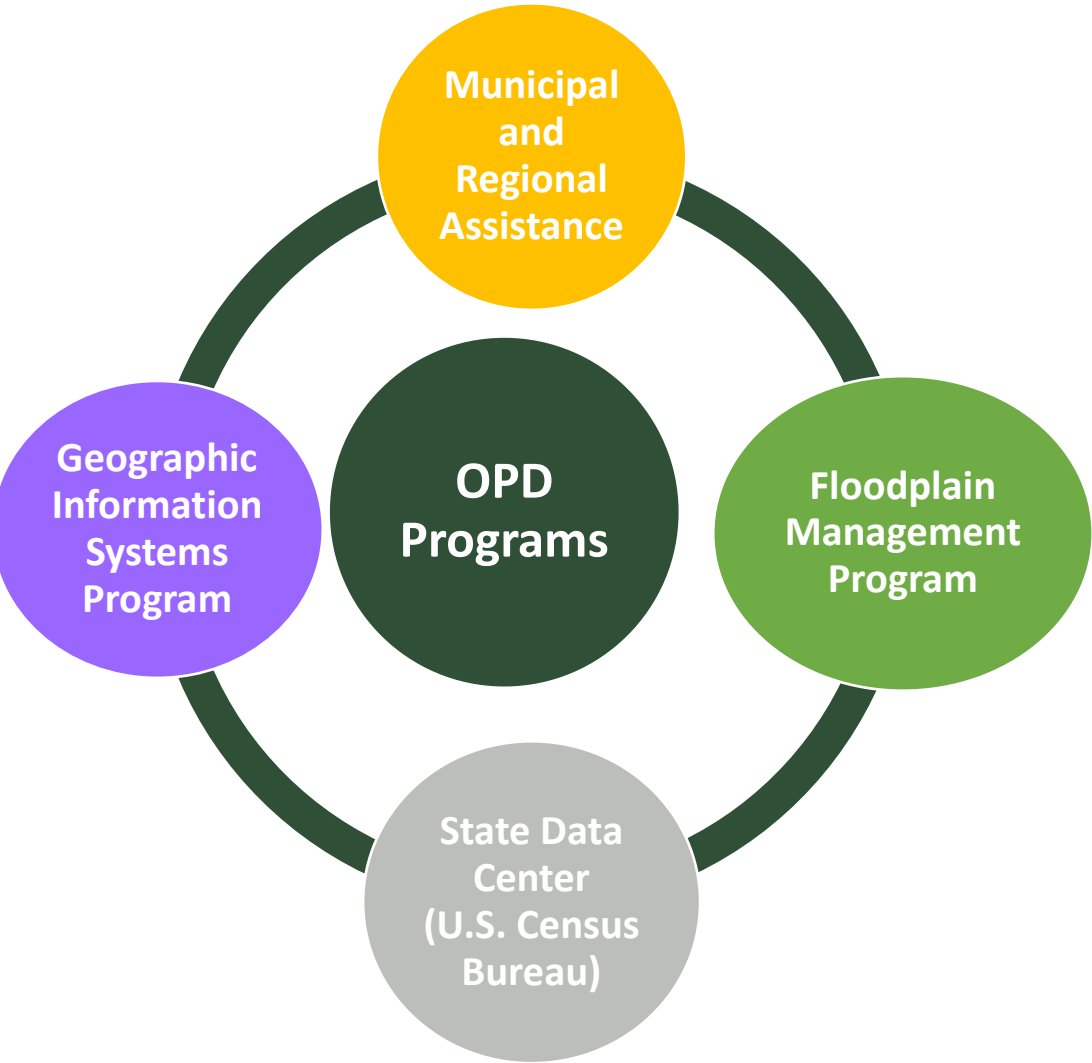
Effective July 2021 – Planning Division of NH Office of Strategic Initiatives (OSI) was transferred to the Department of Business and Economic Affairs (BEA) and became the Office of Planning and Development (OPD)

NH Department of Business and Economic Affairs	
• Division of Economic Development	Initiatives:
• Division of Travel and Tourism	• Office of Broadband Initiatives
• Bureau of Visitor Services	• InvestNH (Housing Initiative)
• Office of Workforce Opportunity	
• Office of Recreation Outdoor Industry Development	
• Office of Planning and Development	

NH Department of Business and Economic Affairs Office of Planning and Development Staff

- **Director**
 - Jennifer Gilbert
- **Municipal and Regional Assistance Program**
 - Noah Hodgetts, Principal Planner
 - Alvina Snegach, Assistant Planner
 - Stephanie N. Verdile, Principal Planner
- **Floodplain Management Program (FEMA)**
 - Katie Nelson, Principal Planner
- **State Data Center (U.S. Census Bureau) and**
- **Geographic Information System (NH GRANIT)**
 - Ken Gallager, Principal Planner

NH Office of Planning Development



Training
Data
Technical Assistance
Maps
Resources
Coordination

Floodplain Management Program

- State coordinating agency for FEMA's National Flood Insurance Program (NFIP) since 2004
- **219 communities participate in the NFIP**
- Receive annual grant from FEMA to administer NFIP program in NH.
 - Provide technical assistance on floodplain regulations, floodplain mapping and flood insurance
 - Provide outreach and training on floodplain management
 - Assist and monitor communities that participate in the program.
 - Provide post-disaster assistance
- **Flooding is #1 natural disaster in NH (flash flooding, coastal and inland flooding, ice jam flooding, hurricanes/tropical storm flooding)**



State Data Center

- NH's State Data Center agency since 1982; partner with U.S. Census Bureau
- Since 1968, **RSA 78-A:25** directs OPD to estimate annually the resident population for all cities and towns of the state as of July 1 of the preceding year and shall certify the same to the state treasurer on or before August 19 of each year.
- Since 1970s, NH State Data Center conducts an annual survey of municipalities on residential building permit data and each year publishes the *Current Estimates and Trends in NH's Housing Supply*.



New Releases:

- 2021 Population Estimates
- 2020-2050 – Population Projections

Municipal and Regional Planning Program

- Municipal Regional Assistance (MRA) Program-Provide technical assistance on planning and zoning regulations, board processes, and topics.
- We receive up to 300 inquiries annually.
- Conducts annual updates to OPD's Planning Board and Zoning Board of Adjustment handbooks based on Legislative Changes.
- Conduct an annual survey to municipalities regarding updates to their land use regulations and maintenance of a central file of local land use regulations pursuant to **RSA 675:9**
- Administer the Targeted Block Grant (TBG) Program to the nine Regional Planning Commissions (RPC)
- Provides training planning and zoning board members (**RSA 673:3-a**)



NH OPD Training Mandate

RSA 673:3-a

673:3-a Training. – Any member of a zoning board of adjustment or planning board may complete training offered by the office of planning and development or another organization that provides similar training covering the processes, procedures, regulations, and statutes related to the board on which the member serves.

2022

The office of planning and development shall develop standard self-training materials and corresponding tests for zoning boards of adjustment and planning boards which shall be provided to members free of charge.

Planning Board Handbook Optional Test and Certificate

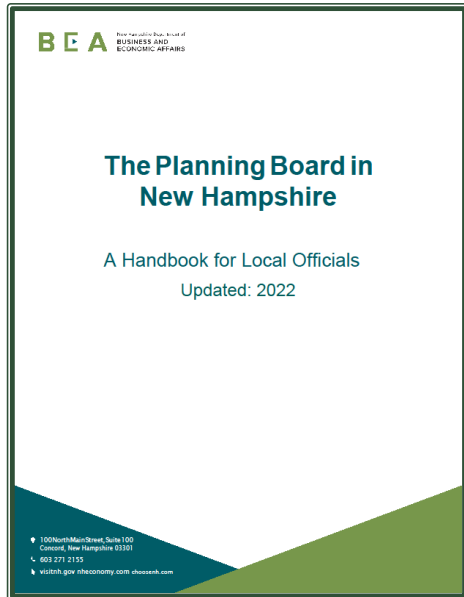
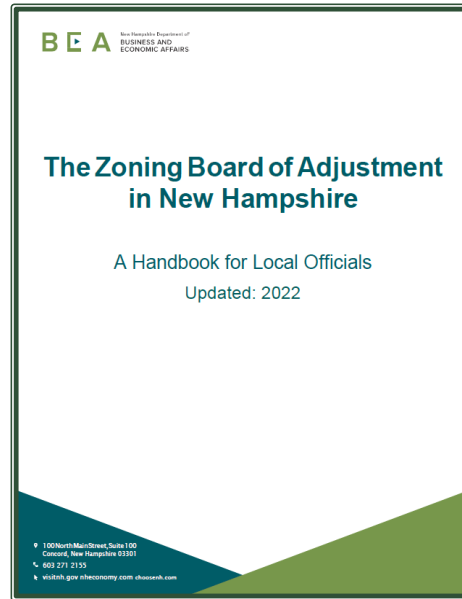
- 30-question Planning Board test was developed as an optional learning check based on the information contained in the current Planning Board Handbook, published by OPD.
- Individuals have the option to receive an emailed certificate showing that they passed the test by receiving a score of 65% or higher.
- To receive a certificate, individuals are required to submit their name and email address.
- The test is located on the [Planning Board Handbook webpage](#) of the OPD website and at the links below:
 - ▶ [Planning Board Test with No Certificate](#) (does not require name and email address)
 - ▶ [Planning Board Test with Certificate](#) (requires name and email address) **We do not share email addresses.**

Zoning Board Handbook

Optional Test and Certificate

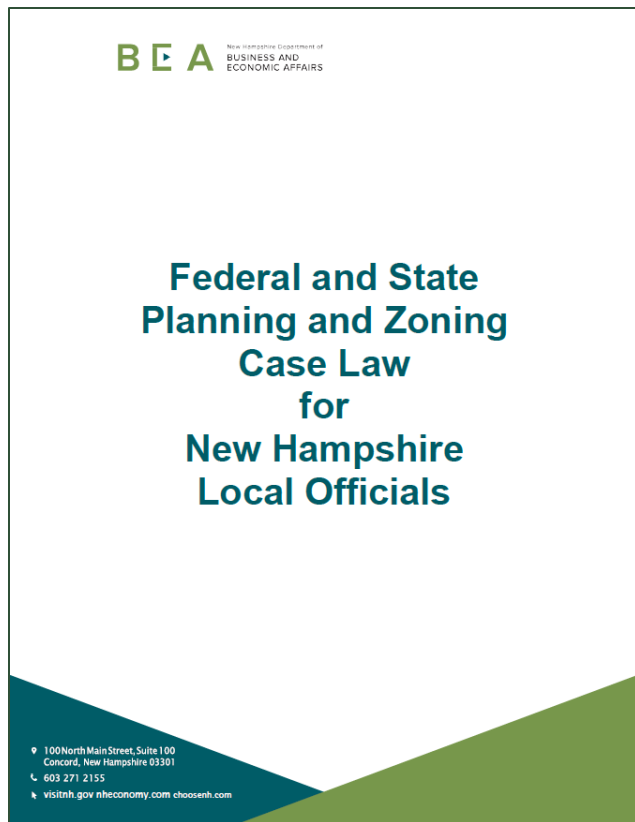
- ❑ 30-question Zoning Board test was developed as an optional learning check based on the information contained in the current Zoning Board of Adjustment Handbook, published by OPD.
- ❑ Individuals have the option to receive an emailed certificate showing that they passed the test by receiving a score of 65% or higher.
- ❑ To receive a certificate, individuals are required to submit their name and email address.
- ❑ The test is located on the [Zoning Board of Adjustment Handbook webpage](#) of the OPD website and at the links below:
 - ▶ [Zoning Board Test with No Certificate](#) (does not require name and email address)
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NH OPD Publications



- ❑ Current Through The 2022 Legislative Session
- ❑ Summary of changes from 2021 handbook
- ❑ Legislative and routine changes
- ❑ Online only

NH OPD Federal and State Planning and Zoning Case Law for New Hampshire Local Officials



- Contains summaries of cases relevant to New Hampshire planning boards and zoning boards of adjustment as compiled by NH OPD over time from various sources, many of which are cited throughout the text of this publication.
- These are summaries only. For a complete copy of the case, please review the full decision. Each case includes a citation to a source and a hyperlink, where available.

Links to Publications

- ❑ [The Planning Board in New Hampshire – A Handbook for Local Officials](#)
- ❑ [The Board of Adjustment in New Hampshire – A Handbook for Local Officials](#)
- ❑ [Federal and State Planning and Zoning Case Law for New Hampshire Local Officials](#)

Changes to Planning & Zoning Laws in 2022: *A Guide for Municipalities*

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BEA

New Hampshire Department of
BUSINESS AND
ECONOMIC AFFAIRS

*A Joint Advisory of the New Hampshire Municipal Association and the New Hampshire Office of Planning and Development at the
Department of Business and Economic Affairs*

July 2022

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In the fall of 2019, the Governor's Housing Task Force published a set of recommended legislative changes to address the housing shortage including additional training and tools for communities. These recommendations were incorporated into HB 1629 and HE 1632 in 2020, HB 556 in 2021, and SB 400 in 2022. After much negotiating, some provisions of SB 400, were attached to HB 1661 and became law.

The new law will have significant effects on how municipal land use boards conduct business. In addition, a new law was passed relative to local regulation of properties used primarily for religious purposes. That bill, HB 1021, is also summarized below.

Summary of Changes Pursuant to HB 1661

- **Section 70: Training** – Replaces existing language on permissible training offered by the Office of Planning and Development (OPD) with new language which clarifies that any planning board or zoning board of adjustment (ZBA) member (including alternate members) may receive training from OPD or another organization, such as NHMA, which offers such training. Also requires OPD to develop specific, optional training materials and corresponding tests for planning board and ZBA members. This change goes into effect on August 23, 2022.
- **Section 71: Publication of Fees** – Requires that any fee which a city or town imposes on an applicant shall be published in a location accessible to the public during normal business hours or the fee shall be waived. A city or town may comply with the publication requirement by publicly posting a list of fees at the city or town hall or by publishing a list of fees on the city or town's internet website. A separate document labeled as "Notice of Land Use Board Fees" under RSA 673:16, III" should be created that provides a complete listing of fees charged for land use board applicants before the planning board, zoning board of adjustment, historic district commission, building inspector, and building code board of appeals. This change goes into effect on August 23, 2022.

1

[Download Joint NHMA
BEA "Changes to
Planning & Zoning
Laws in 2022: A
Guide for
Municipalities"](#)

Zoning vs. Planning

What is the difference between Zoning and Planning?

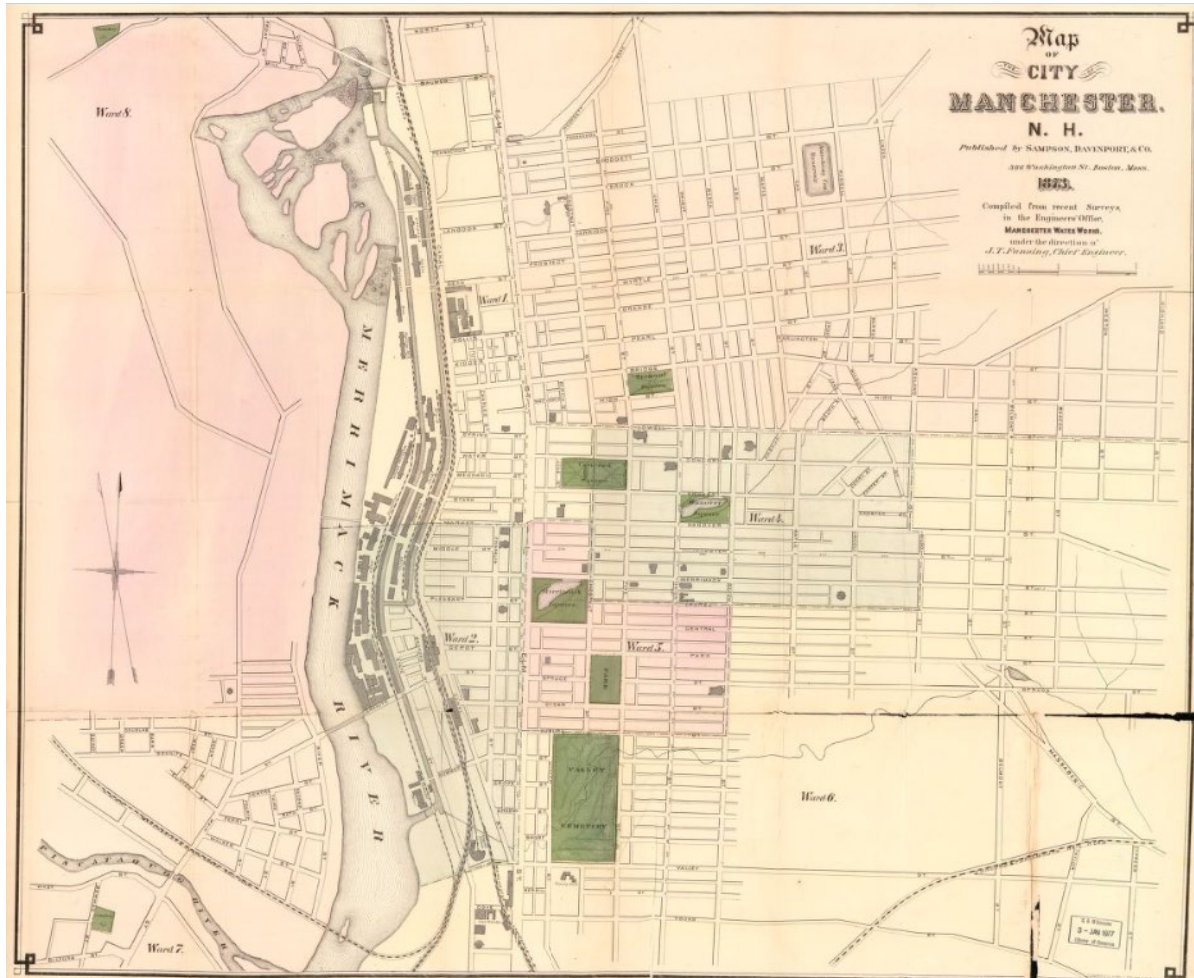
- Zoning-the legal process for regulating type, location, size, density etc. of land uses through regulations and documents.
- Planning-the legal, decision-making process in which communities' goals and objectives for deciding future uses of land are established through regulations and planning principals.
- Both are community-based
- Both are considered the regulatory framework that control land uses by size, location, density, etc.(zoning) and implementing goals of the community (planning).
- Land Use Regulations-Zoning, Site Plan, Subdivision, etc.

Why do we have Zoning?

In 1916, New York City adopted the first zoning regulations to apply citywide as a reaction to construction of the Equitable Building (which still stands at 120 Broadway).



Early Planning



1800's
Planned
Industrial
Towns &
Cities

Zoning comes to New Hampshire

RSA 674:16 Grant of Power

I. For the purpose of promoting the health, safety, or the general welfare of the community, the local legislative body of any city, town, or county in which there are located unincorporated towns or unorganized places is authorized to adopt or amend a zoning ordinance under the ordinance enactment procedures of RSA 675:2-5.

The zoning ordinance shall be designed to regulate and restrict:

- (a) The height, number of stories and size of buildings and other structures;
- (b) Lot sizes, the percentage of a lot that may be occupied, and the size of yards, courts and other open spaces;
- (c) The density of population in the municipality; and
- (d) The location and use of buildings, structures and land used for business, industrial, residential, or other purposes.

Planning and
Zoning laws

RSA Chapters
672 to 679

Zoning comes to NH cont'd

674:17 Purposes of Zoning Ordinances.

Every zoning ordinance shall be adopted in accordance with the requirements of RSA 674:18. Zoning ordinances shall be designed:

- (a) To lessen congestion in the streets;
- (b) To secure safety from fires, panic and other dangers;
- (c) To promote health and the general welfare;
- (d) To provide adequate light and air;
- (e) To prevent the overcrowding of land;
- (f) To avoid undue concentration of population;
- (g) To facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks, child day care;
- (h) To assure proper use of natural resources and other public requirements;
- (i) To encourage the preservation of agricultural lands and buildings and the agricultural operations described in RSA 21:34-a supporting the agricultural lands and buildings; and
- (j) To encourage the installation and use of solar, wind, or other renewable energy systems and protect access to energy sources ...

Current Status of Zoning Ordinances in New Hampshire

226 with a comprehensive zoning ordinance

19 with no comprehensive zoning ordinance

- **13** with some type of zoning (floodplain development ordinance and/or telecommunications ordinance)
- **6** without any type of zoning

NH Land Use Boards

RSA 672:7 - defines land use board

Planning Board- 673:2

Zoning Board of Adjustment- 673:3

Historic District Commissions- 673:4

Building Inspector/Building Code Board of Appeals-
673:3.IV

Others authorized by RSA 673 or the legislative body

Heritage Commission- 673:4-a.

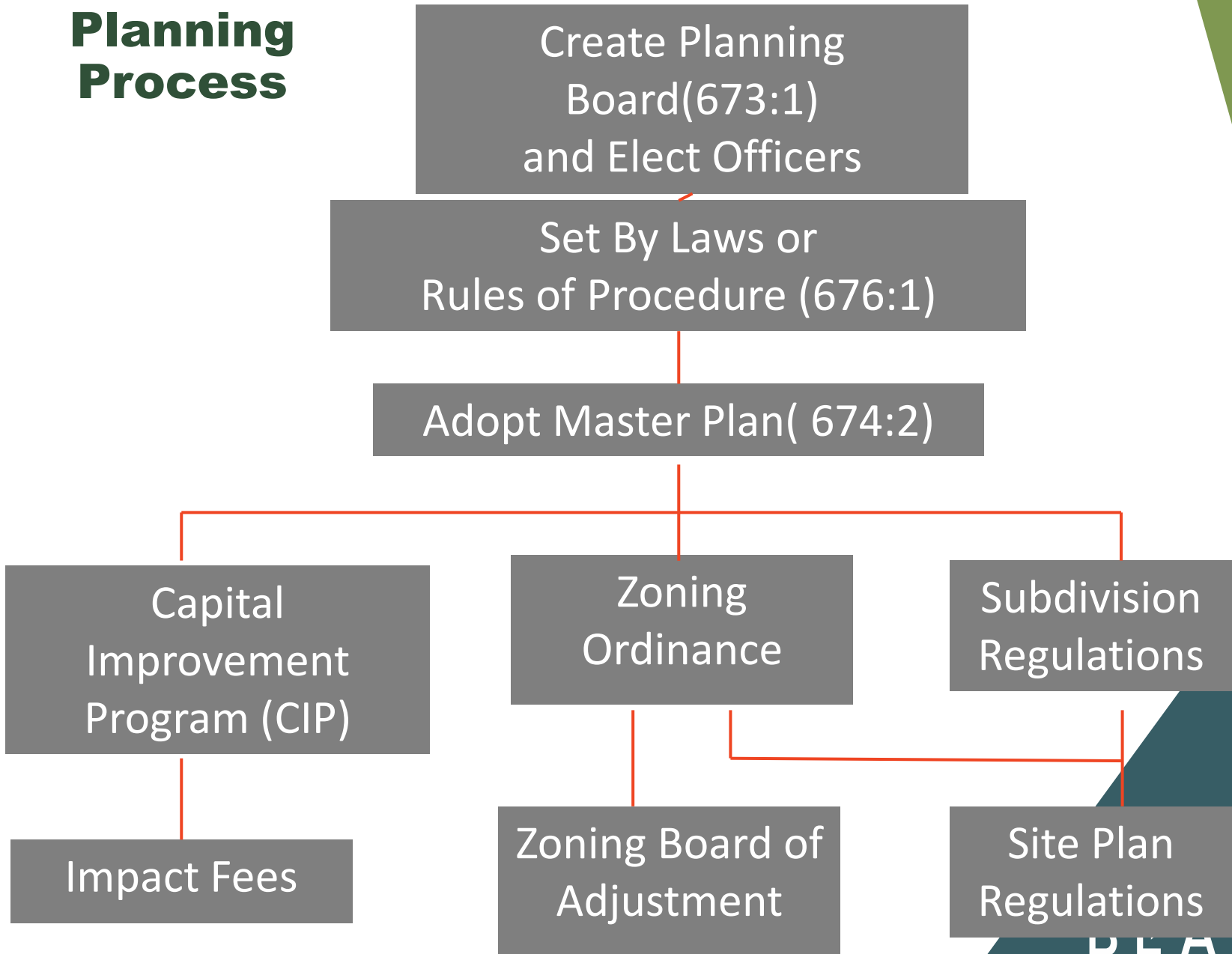
Agriculture Commission- 673:4-b.

Housing Commission- 673:4-c

****Conservation Commissions are NOT considered
a local land use board as defined in the RSA.**

They are governed by RSA 36-A.**

Planning Process



Planning Board- Regulatory Functions

Master Plan - RSA 674:2-4

Zoning Ordinance - 674:16

Subdivision Regulations - 674:36 & 36

Site Plan Review Regulations - RSA 674:43 & 44

Capital Improvements Program - RSA 674:5-8

Growth Management - RSA 674:22

Impact Fees - 674:21.V

Default Regulator of Excavation Permits - RSA 155-E:1

Driveway Regulations (RSA 236:13.VI)

Class VI/Private Roads (674:41)

Planning Board Non-Regulatory Functions

Subdivision and Site Plan Application Process

- Reviews and drafts regulations and accompanying documents (i.e. applications and checklists). (674:36) (674:43)
- Holds a public hearing to allow the public to speak and take public input.
- Deliberates in public and makes a decision on the proposal
- Excavation regulations and applications

Zoning Board of Adjustment

Only Powers as in (RSA 674:33)

- “Safety Valve” for regulations
- Appeals of Administrative Decisions
- Variances → Based on statutory criteria (674.33.1 (2))
- Special Exceptions → based on local ZO criteria *SE review is not site plan review
- Equitable waiver (674:33-a.)
- Request/Motion for Rehearing (677:2, 3)
 - ZBA can reconsider their own decision

ZBA-Judicial Purpose

- ZBA is not legislative
- ZBA is not executive
- ZBA IS quasi-judicial –

The ZBA *interprets* the ordinance and regulations and applies that interpretation to the application before it.

ZBA Process

- ZBA collects evidence and hears testimony
- Decides on the merits. Decisions based on the facts and evidence, not emotion
 - Approve, deny, modify, or impose conditions
- Burden of proof is on the applicant-
 - finances should not play a role in decision
- Develop a record for possible court review
 - Be clear in your decisions & reasons for them

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 express and 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

Alphabet Soup of Planner-ese

Acronym-an abbreviation formed from the initial letters of other words and pronounced as a word.

ACIP-American Institute of Certified Planners

ADU-Accessory Dwelling Unit

APA-American Planning Association

CIP-Capital Improvement Program

CUP-Conditional Use Permit

DRI- Development of Regional Impact

ERZ-Economic Revitalization Zone

Alphabet Soup of Planner-ese cont'd

NNECAPA- Northern New England Chapter of the American Planning Association

NHMA-New Hampshire Municipal Association

PUD-Planned Unit Development

RPC-Regional Planning Commission

SUP-Special Use Permit

STR-Short Term Rental

TDR-Transfer of Development Zones

TIF District- Tax Increment Finance District

TRC-Technical Review Committee

Alphabet Soup of Planner-ese cont'd

Federal

EPA-Environmental Protection Agency

FEMA-Federal Emergency Management Agency

NFIP-National Flood Insurance Program

FHWA-Federal Highway Administration

SWPP-Storm Water Protection Plan

State

DES-Dept of Environmental Services

DOT-Dept of Transportation

DRA-Dept of Revenue Administration

Alphabet Soup of Planner-ese cont'd

BANANA- Build Absolutely Nothing Anywhere Near Anything

CAVEmen-Citizens Against Virtually Everything

Designosaur-Designer with an enormous impact

DUDE-Developer Under Delusions of Entitlement

GOOMBA-Get Out Of My Business Area

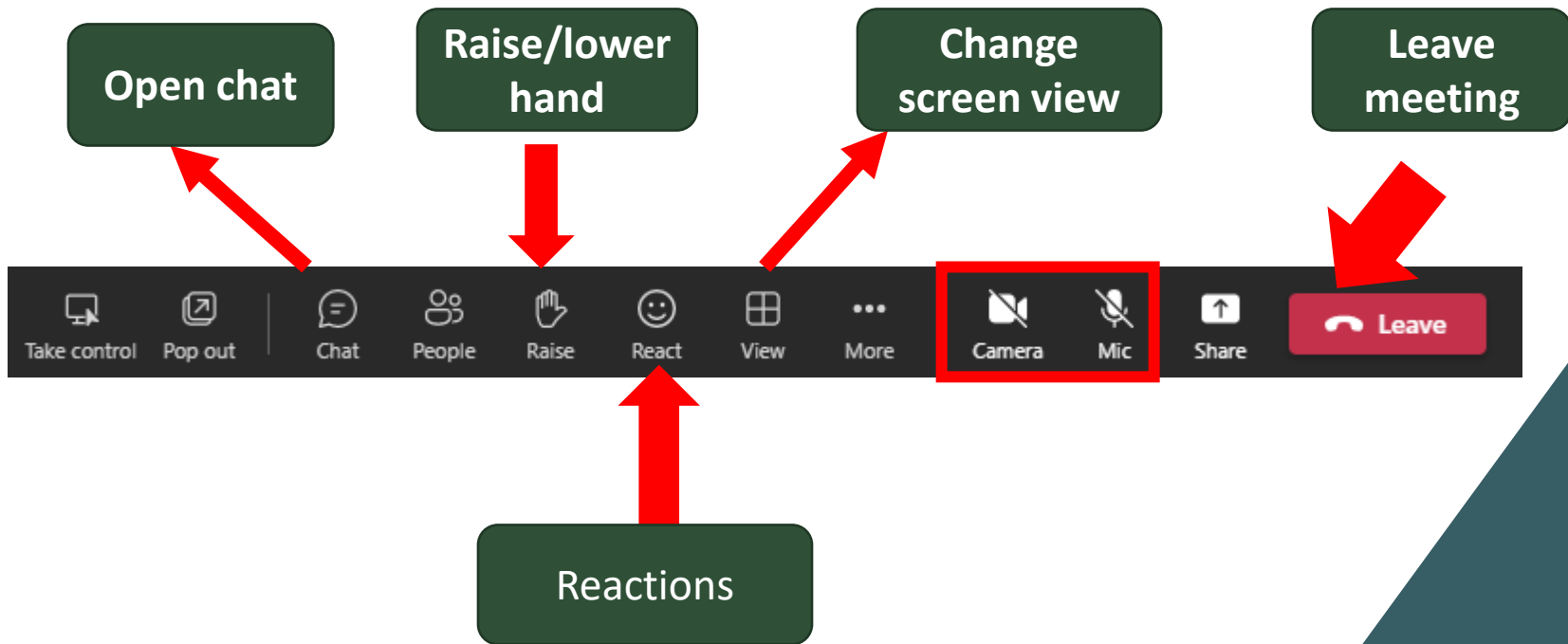
NIMBY- Not In My Backyard

PIITBY- Put It in Their Backyard

YIMBY- Yes In My Backyard

Questions and Answer Section

- If you would like to ask a question, please either raise your hand and unmute yourself or type your question in the Chat box. If on the phone, lines have been unmuted



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THANK YOU