

Planning Lunches at Noon (PLAN) Monthly Webinar Series

Welcome to the April 2025 PLAN Webinar!

“Congratulations, You’re a Board Member Now! What’s Next?”

Check out OPD’s [Planning and Zoning Training webpage](#) for:

- Slides and recording of past PLAN Webinars and conferences
- Planning Board and Zoning Board 101 slides and recordings
- Planning Board and Zoning Board Handbooks
- Optional Tests and Certificates

Congratulations, You're a Board Member Now! What's Next?

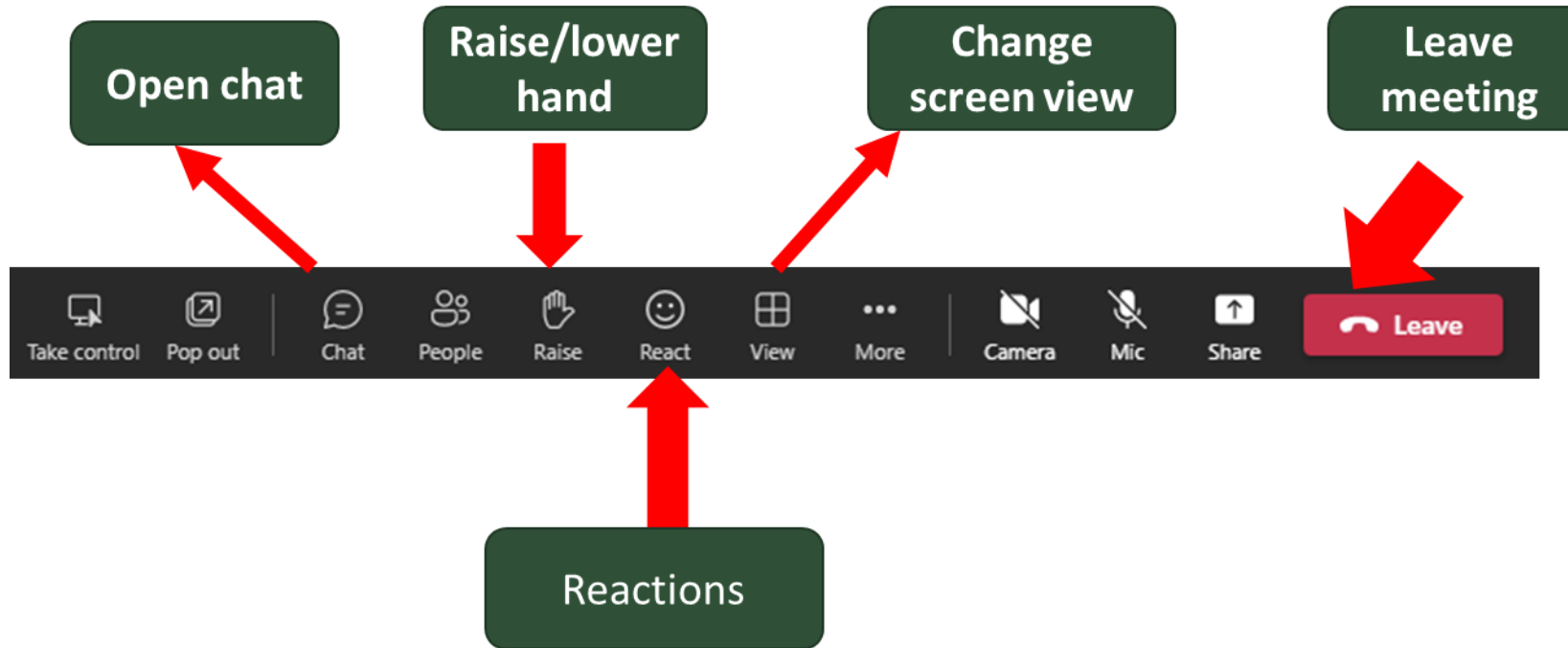
**Noah Hodgetts, Principal Planner
NH BEA, Office of Planning and Development**

**Brendan McDowell, Principal Planner
NH BEA, Office of Planning and Development**

April 17, 2025

How To Participate

- ▶ For questions, type them into the chat box
- ▶ We will do our best to answer all questions by the end of the webinar



HOUSING CHAMPION

Designation and Grant Program

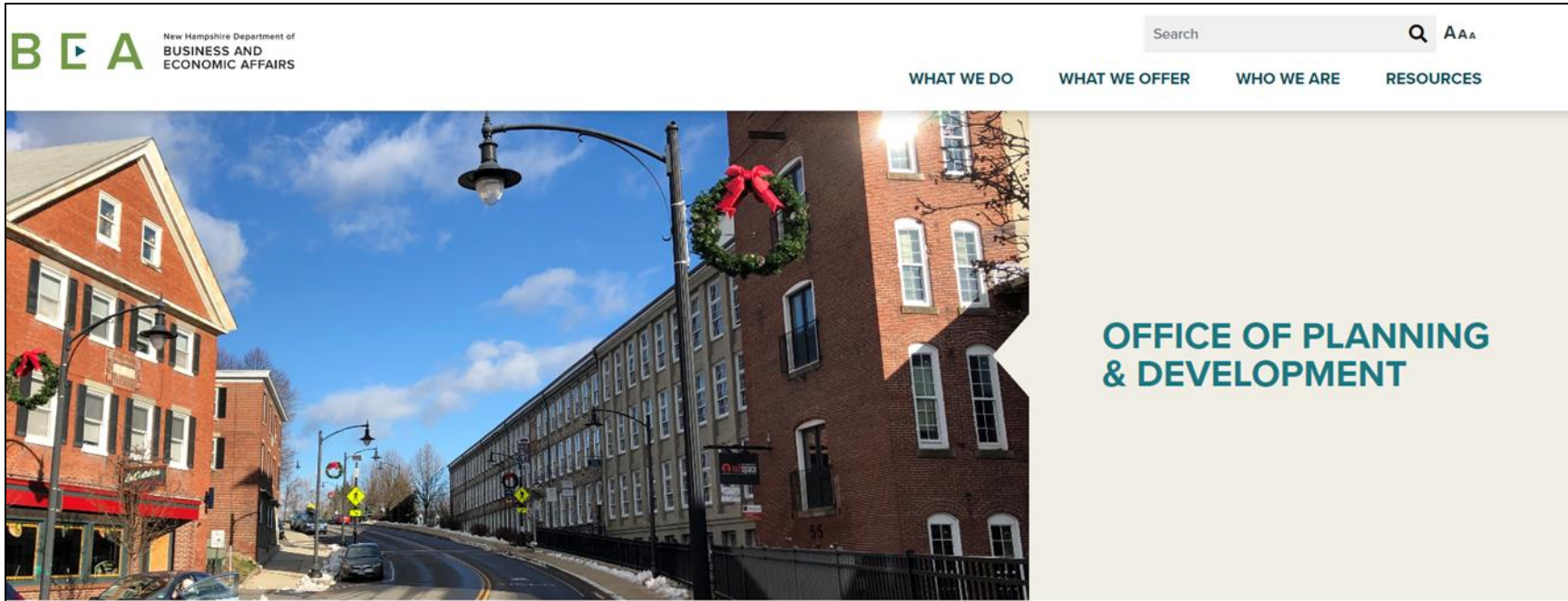
Lee Ann Moynihan, Housing Finance Specialist

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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



Main Functions:

Floodplain Management (NFIP)

State Data Center (dwelling unit survey – building permits)

GIS (NH GRANIT, Zoning Atlas)

Municipal & Regional Planning Assistance

www.nhopd.com

State Data Center

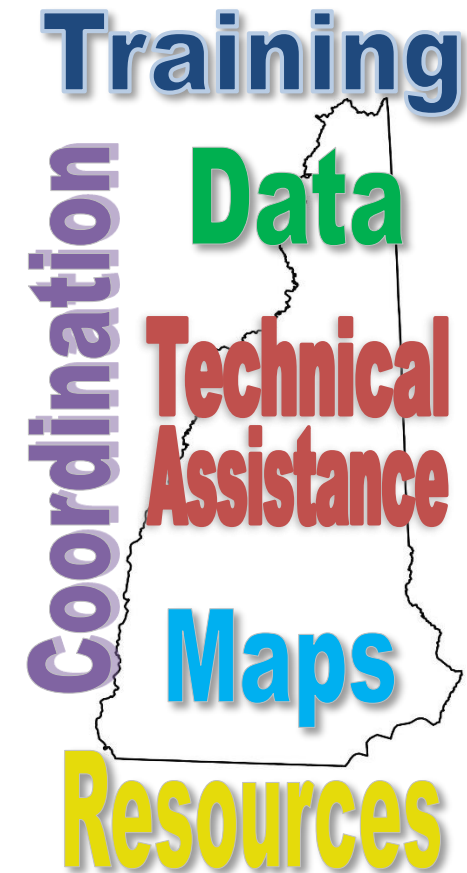
- Tracks population and housing development
- US Census Bureau point of contact

Geographic Information Systems (GIS)

- Maintains/creates GIS data
- Collaborates on GIS initiatives

Floodplain Management (NFIP)

- Assist municipalities with regulation and map updates
- Education and technical assistance



Municipal & Regional Planning Assistance

- Provides technical assistance on planning, zoning, land use, and house issues; land use board processes, and other topics.
- Respond to 300+ inquiries annually.
- Conduct annual updates to OPD's Planning Board and Zoning Board of Adjustment handbooks based on statute 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 for planning and zoning board members on procedures and statute changes (**RSA 673:3-a**)
- Coordinates planning initiatives across state agencies and with planning partners



NH OPD Training Mandate – RSA 673:3-a

- **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.

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

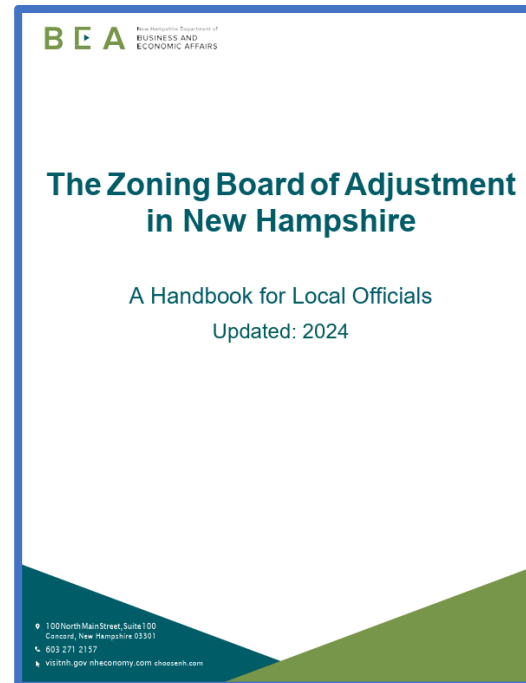
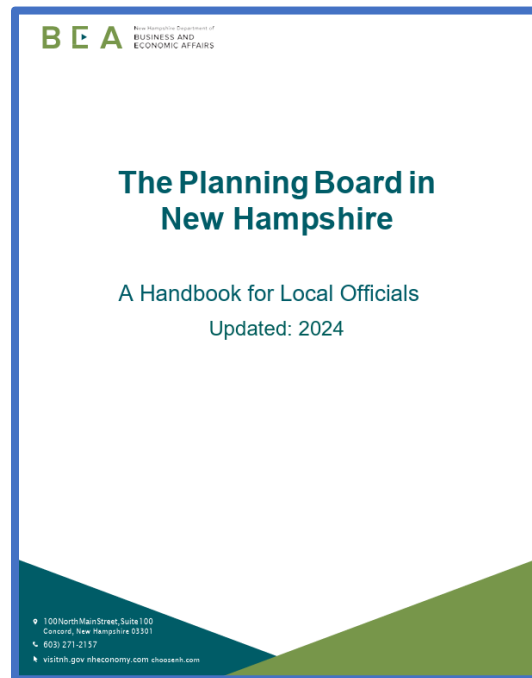
- ❑ 30-question Zoning Board test was developed as an optional learning check based on the information contained in the current Zoning Board of Adjustment Handbook, published by OPD.
- ❑ Individuals have the option to receive an emailed certificate showing that they passed the test by receiving a score of 65% or higher.
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OPD Planning & Zoning Resources

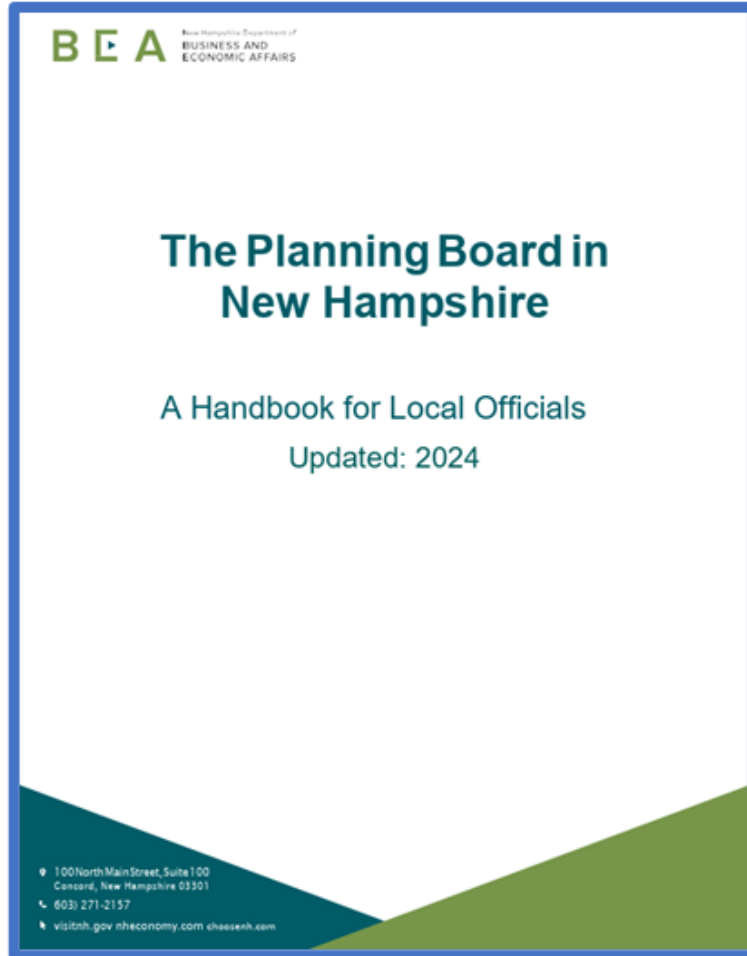
- [Planning & Zoning Handbooks](#)
- [Monthly Webinars](#)
- [Annual Conference](#)
- [Plan-Link Listserv](#)
- [Planning & Zoning Resource Library](#)
- [Other Publications](#)
- [NH Housing Toolbox](#)
- [Municipal Land Use Regulation Survey](#)
- [Planning and Zoning Legislation](#)

Planning Board and Zoning Board Handbooks



- ❑ Current through the 2024 Legislative Session
- ❑ Summary of changes from 2023 PB handbook
- ❑ Statute changes and general housekeeping

Planning Board and Zoning Board Handbooks



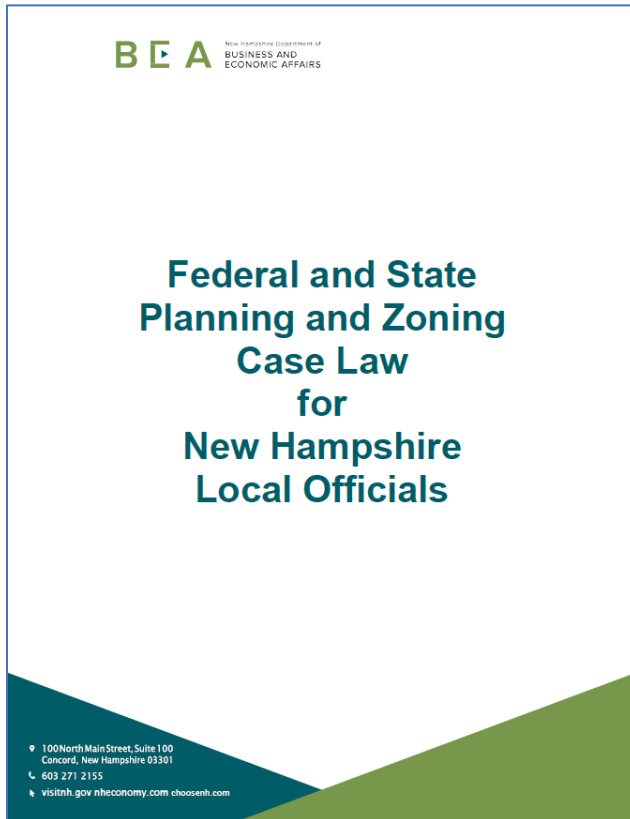
The Planning Board in New Hampshire - A Handbook for Local Officials - 2024

- [Planning Board Handbook - 2024](#)
- [Summary of Changes - What has changed since the 2023 version](#)

- Chapters
 - [Chapter I: Organization](#)
 - [Chapter II: Non-Regulatory Functions](#)
 - [Chapter III: Regulatory Functions](#)
 - [Chapter IV: Innovative Land Use Controls \(RSA 674:21\)](#)
 - [Chapter V: Application, Submission, and Review Procedures](#)
 - [Chapter VI: Working with Other Boards and Organizations](#)

- Appendices
 - [Appendix A: Sources of Assistance](#)
 - [Appendix B: Public Notices for Subdivision and Site Plan Review](#)
 - [Appendix C: Suggested Rules of Procedure for Planning Boards](#)
 - [Appendix D: Checklists](#)
 - [Appendix E: Criteria for Determining Regional Impact](#)
 - [Appendix F: Procedure for Application Review \(RSA 676:4\)](#)
 - [Appendix G: How To Be a Good Board Member](#)

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 from various sources
- 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](#)

Planning Lunches at Noon (PLAN) Webinar Series

- **March 20, 2025: Increasing Flood Awareness**
 - [Slides](#)
 - [Recording](#)
- **February 20, 2025: Housing Update**
 - [Slides](#)
 - [Recording](#)
- **January 16, 2025: Development on Class VI Roads**
 - [Slides](#)
 - [Recording](#)
- **December 19, 2024: Addressing PFAS in Conditional Use Permits: NHDES Zoning Guidance to Protect Groundwater**
 - [Slides](#)
 - [Recording](#)
 - [NHDES guidance involving groundwater zoning and minimizing PFAS when considering new industrial uses](#)
- **November 21, 2024: Investigating and Enforcing Land Use and Zoning Violations**
 - [Slides](#)
 - [Recording](#)
- **October 17, 2024: FEMA's Risk Map Process**
 - [Slides](#)
 - [Recording](#)
- **September 19, 2024: Changes to Planning and Zoning Laws in 2024**
 - [Slides](#)
 - [Recording](#)
 - [Changes to Planning & Zoning Laws in 2024: A Guide for Municipalities – a joint NHMA/OPD advisory](#)



New Hampshire Department of
BUSINESS AND
ECONOMIC AFFAIRS

Spring 2025
 Planning & Zoning Conference
 May 10, 2025 – 8:45 AM – 3:30 PM (free, online)

Check out [OPD's Planning and Zoning Conference page](#) to register

Time	Track #1 Planning Board*	Track #2 Zoning Board*	Track #3 Historic Preservation & Housing*
8:45 to 9:00 AM	Welcome	Welcome	Welcome
9:00 to 10:15 AM	Planning Board Basics	ZBA Decision Making Process	New Meets Old: Additions to Historic Buildings & Infill Development
10:15 to 10:30 AM	Break		
10:30 to 11:45 AM	Planning Board Roles and Responsibilities	The ZBA in NH	Will This Building Make Money?
11:45 AM to 12:45 PM	Lunch Break		
12:45 to 2:00 PM	Planning Board Housekeeping	Floodplain Variances	New Tools for Evaluating Fiscal Impact of Housing in New Hampshire
2:00 to 2:15 PM	Break		
2:15 to 3:30 PM	The Planner is In	ZBA Q&A	Balancing Housing and Farmland Conservation in New Hampshire

Planning & Zoning Resource Library



Land Use Topics

- [Agriculture, Farmland and Open Space Preservation](#)
- [Historic Preservation](#)
- [Housing](#)
- [Transportation](#)
- [Water Resources](#)

Municipal Topics

- [General Planning Tools](#)
- [Land Use Boards and Municipal Officials](#)
- [Municipal Information](#)
- [Site Plan Review](#)
- [Subdivision](#)
- [Zoning](#)

Other Publications

Other Planning Publications by NH OPD

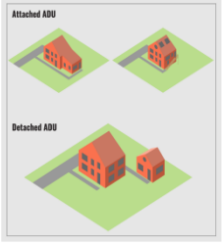
- [Developments of Regional Impact](#)
- [Planning for Accessory Dwellings](#)
- [Master Planning in New Hampshire](#)
- [Tax Increment Financing](#)
- [State Development Plan](#)

New Hampshire Housing Toolbox

HOUSING STRATEGIES

FILTER BY ISSUES ADDRESSED
SEE ISSUE DEFINITIONS ON THE ABOUT PAGE.

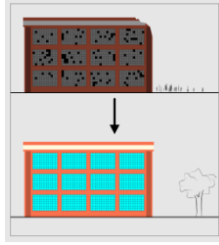
All Affordable Housing Housing Costs **Housing Options** Infrastructure Multigenerational Redevelopment Sustainable Housing



Accessory Dwelling Units (ADUs)

Secondary homes or apartments on an existing single family lot.


Housing Costs Housing Options Multigenerational



Adaptive Reuse

The practice of reusing old buildings for new purposes


Housing Costs Housing Options Infrastructure Redevelopment Sustainable Housing



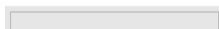
Age Friendly Neighborhoods

Places that address the needs of younger and older adults.


Housing Costs Housing Options Multigenerational



Cluster Housing

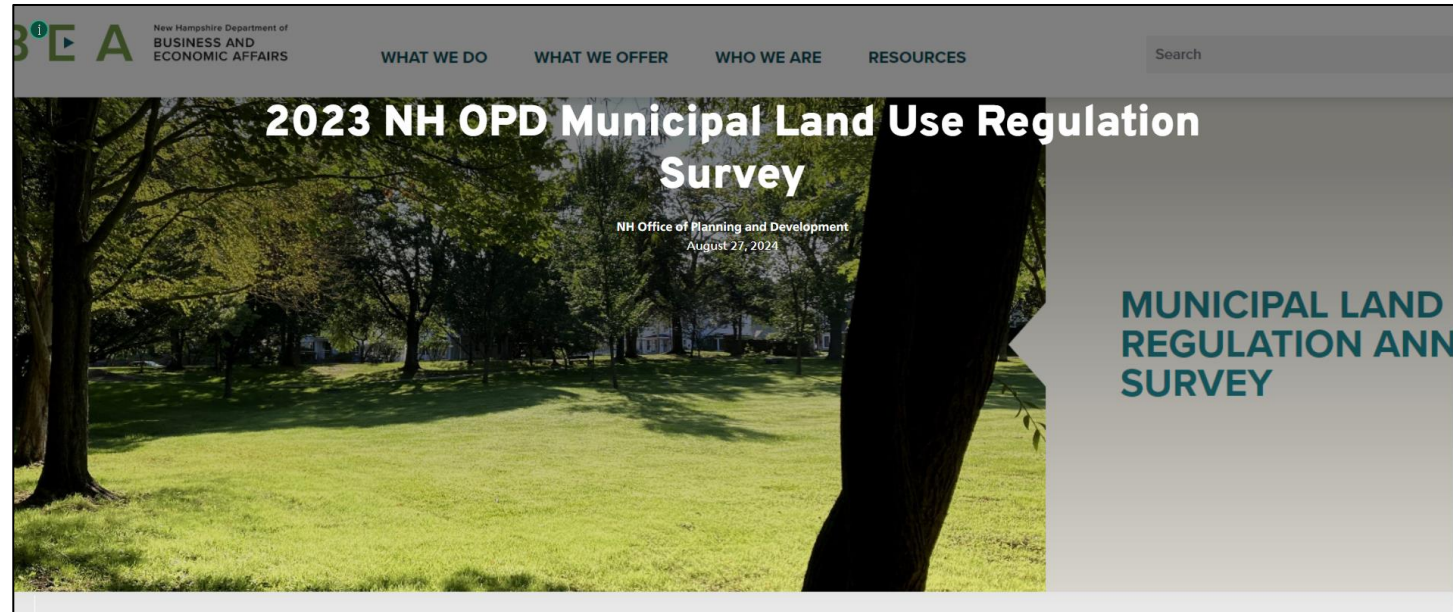


Form-Based Codes



Manufactured Housing

Municipal Land Use Regulation Survey



Planning and Zoning Legislation

168th General Court (2023-2024)

- Second Session – 2024
 - [Changes to Planning & Zoning Laws in 2024: A Guide for Municipalities](#) – a joint NHMA/OPD advisory.
 - [NHMA Final 2024 Legislative Bulletin](#)
- First Session - 2023
 - [Changes to Planning & Zoning Laws in 2023: A Guide for Municipalities](#) – a joint NHMA/OPD advisory.
 - [2023 Planning and Zoning Legislation Matrix](#)
 - [NHMA Final 2023 Legislative Bulletin](#)

Changes to Planning & Zoning Laws in 2024: A Guide for Municipalities

Changes to Planning & Zoning Laws in 2024: *A Guide for Municipalities*



New Hampshire Department of
BUSINESS AND
ECONOMIC AFFAIRS

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

September 2024

• • •

During the 2024 session, the legislature enacted a number of pieces of legislation that affect local planning and zoning processes and regulations. This guide serves as a summary of the effect of those changes.

Summary of Changes Pursuant to SB 437

SB 437 substantially alters municipal adoption of additional local amendments or regulations to the state building code. Under prior law, municipalities could adopt additional amendments to the state building code, provided that such regulations were no less stringent than the requirements of the state building code and the state fire code.

SB 437 amends this authority by continuing to allow municipal adoption of additional amendments to the state building code, which now must not be inconsistent with or less stringent than, nor intended to replace, the requirements of the most recent edition of the state building code adopted under RSA 155-A, or the state fire code adopted under RSA 153, and must relate to one article or section of the code. In other words, it is not permissible under new law to adopt, at the local level, an entirely new code.¹ It is, however, permissible to adopt amendments that are targeted to one article or section of the new code.

As under prior law, locally adopted building code amendments must continue to be submitted to the state building code review board for review and confirmation prior to adoption, no later than 90 days before final adoption in cities and no later than 10 days after the conclusion of the final public hearing in towns. **SB 437** limits the board's review to confirmation that the local amendment complies with RSA 674:51 or RSA 47:22, and a verification with the state fire marshal that there is no conflict with the fire code.

¹ For example, a municipality may not adopt the 2024 International Building Code in its entirety in place of the 2021 International Building Code, as amended by the state building code review board and adopted by the Legislature.

[Download Joint NHMA
BEA “Changes to
Planning & Zoning
Laws in 2024: 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 land use 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, Excavation etc.

Why do we have Planning and Zoning?

- To promote the:

- Health
- Safety
- Welfare

- [NH RSA 674:16, I.](#) Zoning Grant of Power. – “For the purpose of promoting the health, safety, or the general welfare of the community...”

- This is further supported through Land Use Regulations most notably through

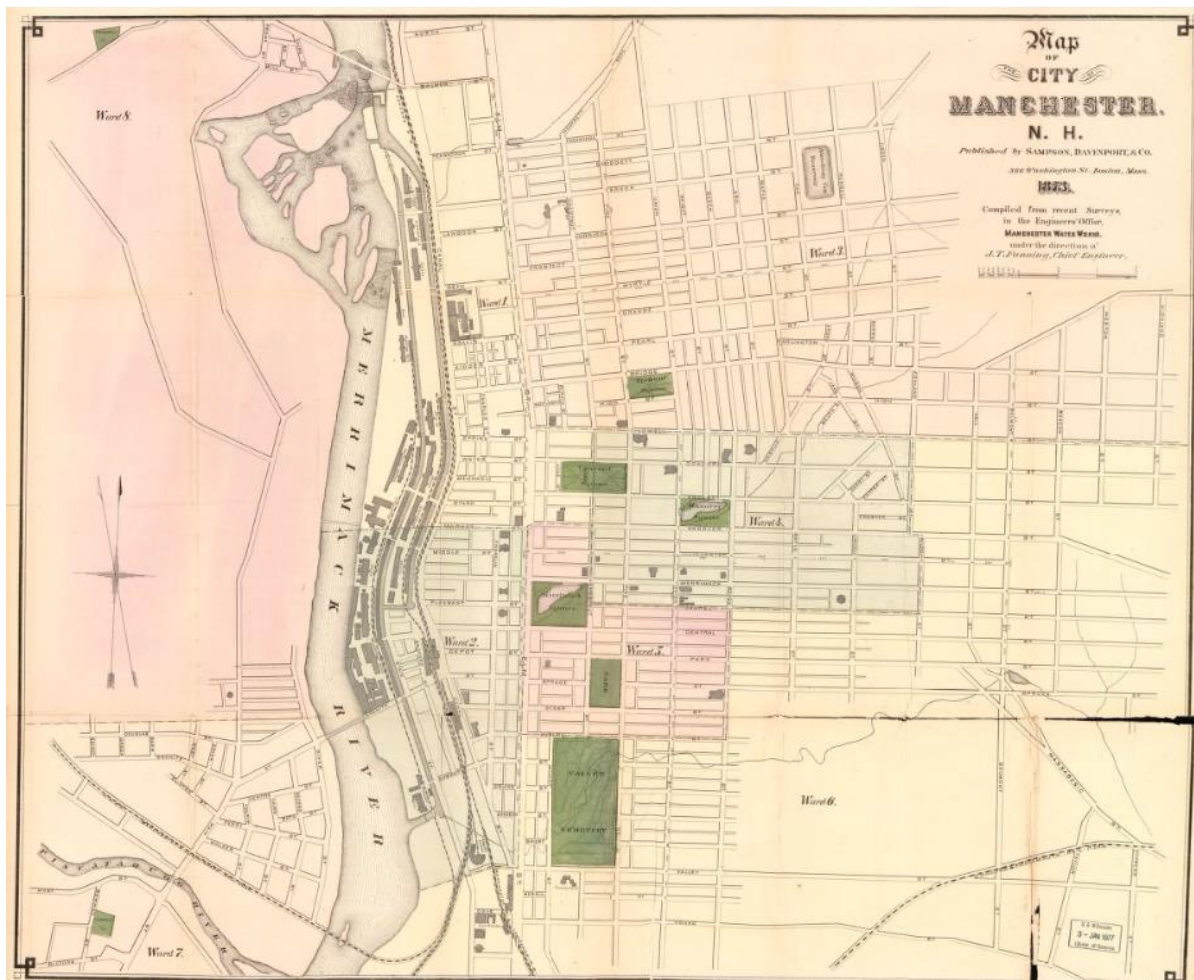
- Zoning Ordinances and maps
- Subdivision Regulations [\(RSA 674:36\)](#) and
- Site Plan Review Regulations [\(RSA 674:44\)](#)

Early 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 Grant of Power in NH

RSA 674:16

•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 [672 to 679](#)

Zoning comes to NH cont'd

•674:17 Purposes of Zoning Ordinances.

•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;

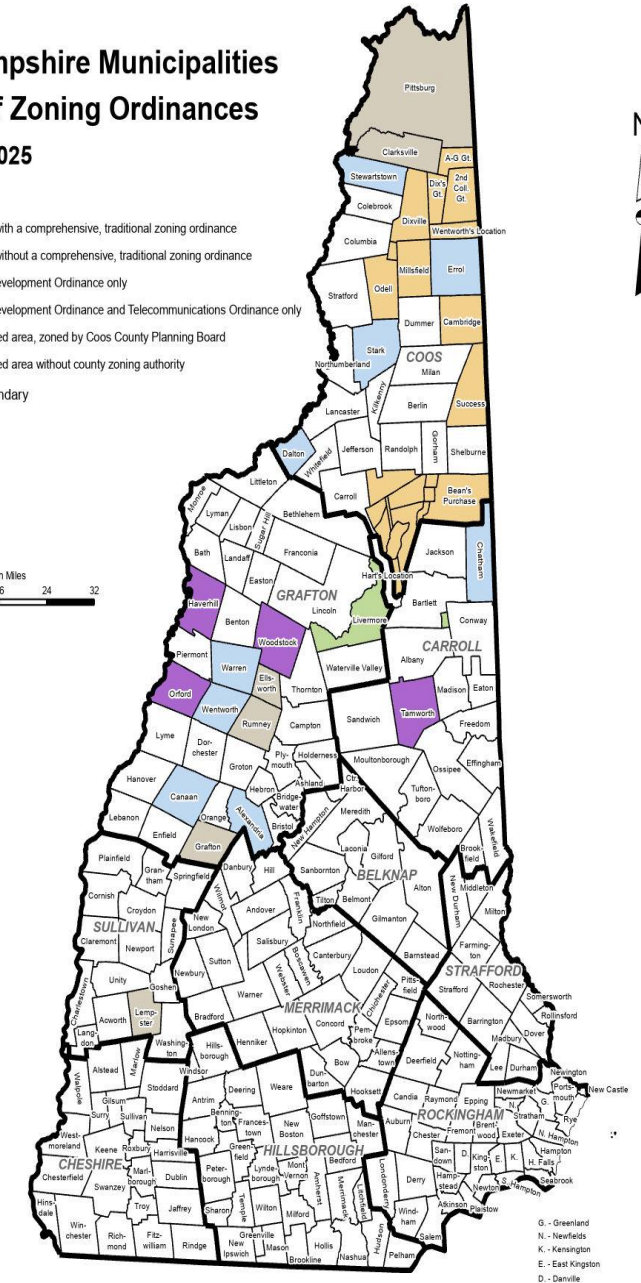
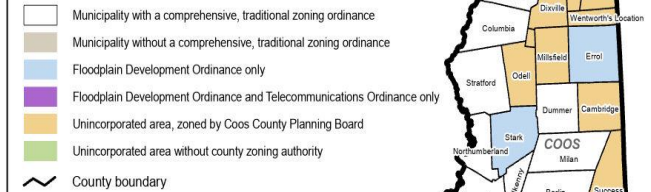
(i) To encourage the preservation of agricultural lands and buildings and the agricultural operations described in RSA 21:34-a supporting the agricultural lands and buildings; and

(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
- **18** with no comprehensive zoning ordinance
- **13** with some type of zoning (floodplain development ordinance and/or telecommunications ordinance)
- **6** without any type of zoning

**New Hampshire Municipalities
Status of Zoning Ordinances
February 2025**



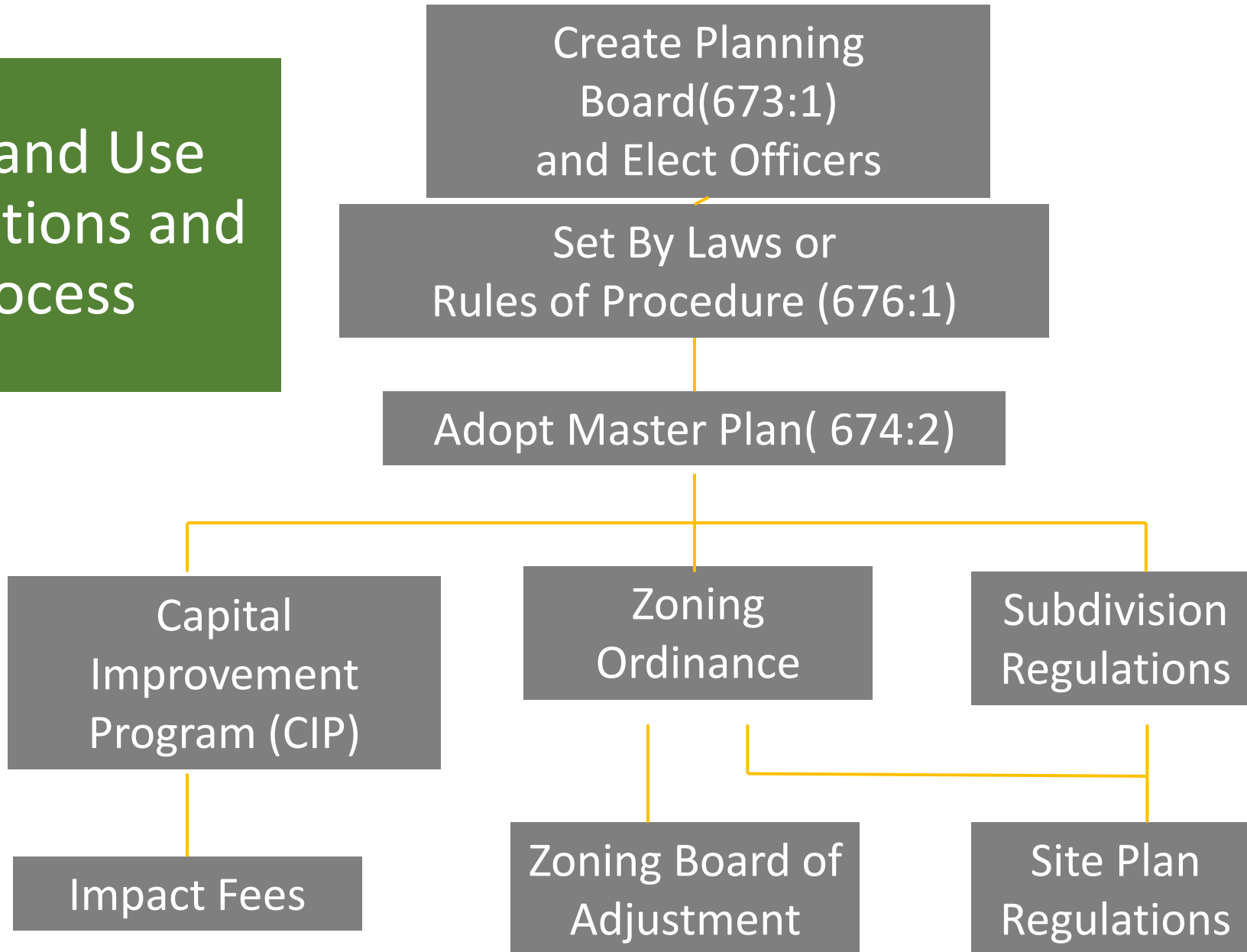
NH Office of Planning & Development, February 2025

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

NH Land Use Boards

- Section 672:7 Local Land Use Board.
- Section 673:1 Establishment of Local Land Use Boards.
 - 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.****

NH Land Use Regulations and 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 are in (RSA 674:33)
 - “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

How to be a good board member (cont'd)

- DO NOT COMMUNICATE VIA EMAIL (RSA 91-A)
- DO NOT USE SOCIAL MEDIA TO DISCUSS APPLICATIONS
- Do not develop or express preconceived opinions about any applications
- Do not abstain

How to be a good board member (cont'd)

- 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.
- AICP - 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

- 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

Office of Planning and Development

Contact Information and Resources

Email: planning@livefree.nh.gov

Web Site: www.nhopd.com

Staff Contact Information:

<https://www.nheconomy.com/office-of-planning-and-development/who-we-are>

Training Library on YouTube:

<https://www.youtube.com/channel/UCmk4EEnIIIGZFZjqLYARAU>

Contact Information

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Q&A

THANK YOU