

How Can Your Community Become More Housing-Friendly?

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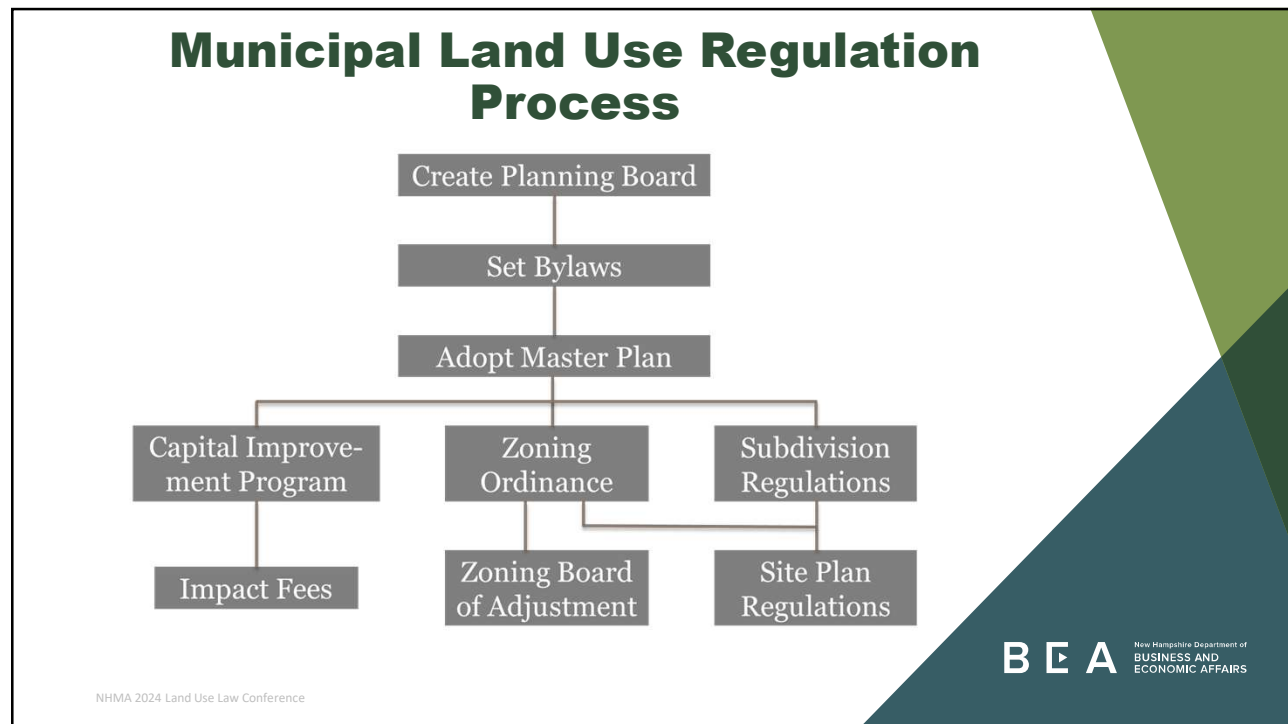
Agenda

- Overview of Municipal Land Use Regulation Process
- Municipal Land Use Regulation Survey
- NH Housing Toolbox
- Recent Examples of Housing Related Zoning Changes

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Municipal Land Use Regulation Survey

- RSA 675:9 establishes the Office of Planning and Development as the state repository for all local land use regulations and documents
- RSA 675:9 authorizes OPD to conduct an annual survey of all municipalities in order to collect information pertaining to new and/or amended land use ordinances

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Municipal Land Use Regulation Survey Topics

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 2023 Municipal Land Use Regulation Annual Survey
 New Hampshire Office of Planning and Development
 Office of Planning and Development
 PLEASE ONLY MARK INCONSISTENCIES ON THIS FORM FROM THE 2023 SURVEY DATA OPO HAS ON FILE

Municipality Name: _____ Date: _____

Municipality Contact Information - Please enter the correct information for the main person who is completing this survey.

First Name:	Last Name:
Title:	Phone Number:
Email:	Municipality Website:

Municipal Planning Organizational Structure - Please check all boxes applicable to the municipality and enter additional information.

Full-Time Planning Staff	Part-Time Planning Staff
Planning Consultant	The Regional Planning Commission Provides Circuit Rider Planning
Planning Board (RSA 674:27.2)	Approved By The Municipality
Zoning Board of Adjustment (RSA 674:27.2)	Energy Committee/Commission (RSA 384:2-2)
Age Cultural Commission (RSA 674:44-4)	Heritage Commission (RSA 444:4)
Historic District Commission (RSA 674:4, 674:44-4)	Historic District Commission (RSA 674:4, 674:44-4)
Shoreland Commission (RSA 674:44-4)	Shoreland Commission (RSA 674:44-4)
Conservation Commission (RSA 384:2)	Parks/Recreation Commission (RSA 384:2)

Land Use Regulations/Documents - Please enter the date last amended of any applicable municipal regulation and its web site link.

Regulation/Document	Date Last Amended (month/day/year)	Website Link (if applicable)
Capital Improvements Plan		
Ordinance Regulations		
Excavation Regulations		
Plat/Map Ordinance		
Historic District Ordinance		
Master Plan		
Site Plan Regulations		
Subdivision Regulations		
Wireless Telecommunications Ordinance		
Zoning Ordinance		

Master Plan Topics - Please check all the boxes of the topics currently in the municipality's Master Plan (RSA 674:2).

Vision (Inquiries)	Cultural & Historic Resources	Natural Resources	Transportation
Land Use (Inquiries)	Economic Development	Neighborhood Plans	Utility & Public Service
Community Development	Energy	Regional Concerns	Other Topics**
Community Facilities	Housing	Regional Concerns	(i.e. Climate Change/Adaptation, Public Health, etc.)

Housing Information - Please complete all boxes applicable to the municipality.

Accessory Dwelling Unit Ordinance (RSA 674:72)	Are Detached ADUs Permitted?	How Are ADUs Permitted?
Workforce Housing Ordinance (RSA 674:72)	Is Principal Dwelling Unit (or ADU) Required to Be Owner-Occupied?	As Of Right, By Conditional Use Permit (or Special Exception)
Age Restricted Housing Regulations	Regulate Short-Term Rentals (i.e. Airbnb)	Regulate Tiny Houses

Please continue to next page

- Municipal Planning Organizational Structure
- Land Use Regulations/Documents
- Master Plan Topics
- Housing Information
- Building Code Information
- Economic Development
- Planning & Development Techniques
- Water & Shoreland Regulations
- Energy Information

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2023 Survey Results

- Completed for:
 - **234** municipalities
 - **9** village districts with zoning authority,
 - Coos County, which has zoning authority over **23** unincorporated places in the North Country
 - Pease Development Authority, which has zoning authority over Pease International Tradeport in Newington and Portsmouth
- **144** jurisdictions (64% of jurisdictions with zoning) adopted zoning amendments in 2023

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2023 Survey Results (continued)

- Many housing related zoning amendments driven by:
 - the state's growing housing shortage
 - recent state statute changes
 - pending legislation affecting the regulation of new housing construction
- **4** communities amended their Accessory Dwelling Unit (ADU) ordinances to allow detached ADUs
- **6** communities adopted workforce housing ordinances
- **8** communities adopted short-term rental regulations

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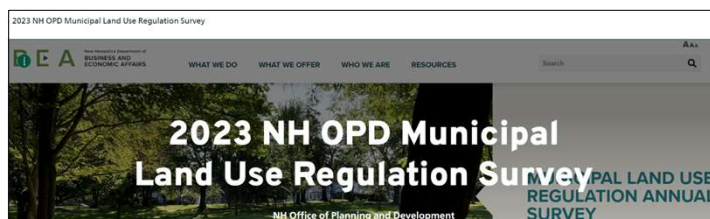
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How to View the Survey Results

- All survey data is accessible on the Municipal Land Use Regulation Survey [webpage](#)
- [Story Map](#)
- [Interactive Map](#)
- [Community-by-Community Snapshots](#)
- [Table of Zoning Amendments Adopted in 2023](#)
- [Topic Specific Tables](#)



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Planning and Zoning Tools for Housing

- Mixed-Use Zoning (146)
- Workforce Housing Multi-family Overlay District (33)
- Inclusionary Zoning (50)
- Density Bonus (72)
- Cluster Development (179)
- Form-Based Code (8)
- Accessory Dwelling Unit Ordinance – detached (113)
- Planned Unit Development (42)
- Transfer of Development Rights (7)
- Village Plan Alternative Subdivision (4)



nhhousingtoolbox.org

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2024 Preliminary Findings

Housing related zoning changes in 2024:

- Detached ADUs and 2 ADUs per lot; increasing maximum sf allowed
- New mixed-use districts allowing more diversity in housing types,
- Increased density for areas on water & sewer, incentives for workforce
- Reduction of parking spaces for ADUs, more market driven approaches
- Reduction in minimum lot sizes in rural districts and for areas on water/sewer
- Alternative housing types permitted: tiny houses, cluster housing, cottage courts

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A collection of twenty **planning and zoning** strategies for **housing production** in New Hampshire communities.

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<https://nhhousingtoolbox.org/>



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Development Approaches



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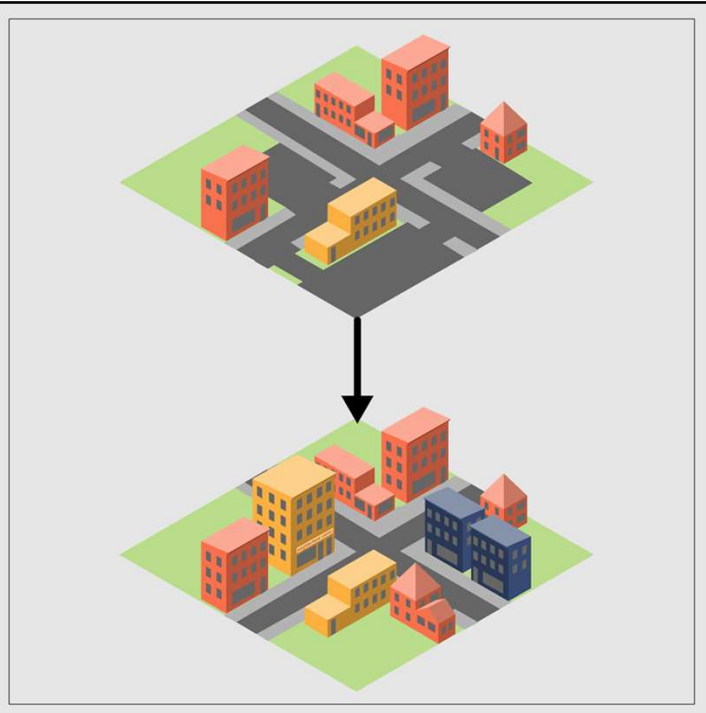
Infill Development

- New construction in already built-up areas by activating vacant parcels and/or underutilized buildings
- Can take advantage of existing infrastructure
- May require zoning changes (uses, dimensional/parking req's)
- May involve complex land assembly



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Infill Development Zoning Changes

Wilton created a **Downtown Residential Overlay District** that lowers the minimum lot size in the downtown area served by sewer and water from a half acre to one third of an acre; existing dwellings within the overlay district may be converted to duplexes or multi-family dwellings.



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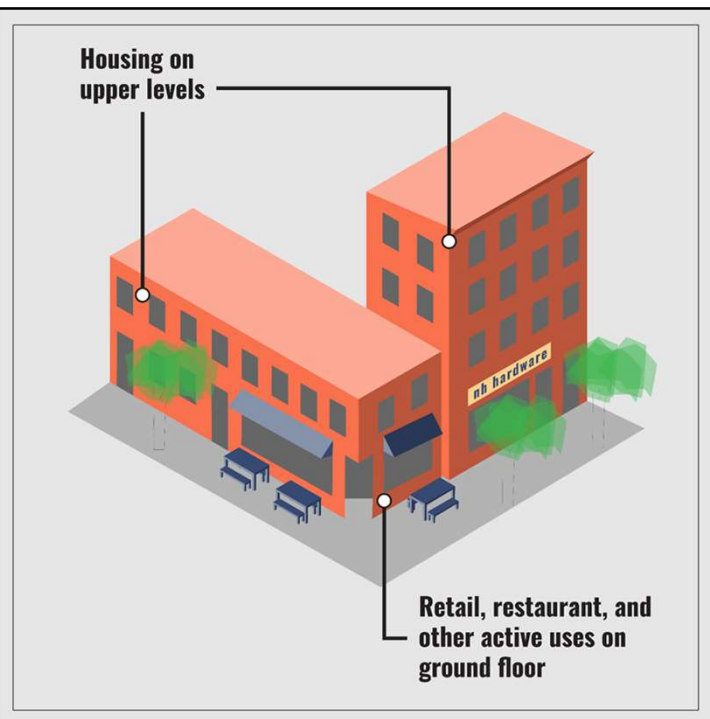
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Mixed-Use Development

- Development that contains residential and other uses
- Often residential above retail and restaurant uses
- Typically a component of downtown/village infill and large scale projects
- Often functionally prohibited through use, dimensional, and parking rules
- On a large scale, can be managed through FBCs, PUDs, or VPAs



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Mixed Use Zoning Changes

Bethlehem allows conversions of SFH to multi family, allow residential above first floor commercial in Commercial District I

Boscawen amended Mill Redevelopment District to allow mix of uses including housing

Bow Mills Mixed Used District ordinance redrafted to give Planning Board additional flexibility to consider Innovative Developments in the district, allow buildings up to 4 stories including multi-unit residential

Exeter expanded the Mixed-Use Neighborhood District (MUND) zoning outside of downtown to include the C2 Highway Commercial district, and provided incentives including density bonus to create a mix of housing units (including 10% affordable units)



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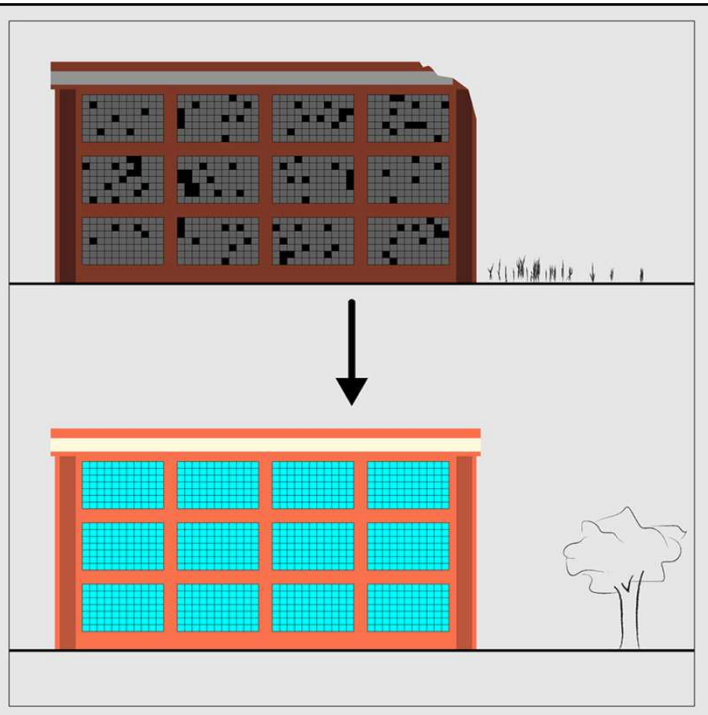
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Adaptive Reuse

- Adaptation of existing non-residential buildings for housing
- Often requires public investment for environmental remediation or infrastructure to make sites viable (NH DES and US EPA grants/loans are available)
- Large projects benefit from mixed-use and by-right permitting
- RSA 79-E can help spur investment



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China Mill – Lofts at 25 Canal, Allenstown



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Age-Friendly Neighborhoods

- Communities that can meet the needs of older and younger households
- Smaller, accessible, affordable homes with social spaces and amenities nearby
- Ordinances can encourage age-friendly neighborhoods through density incentives and design requirements



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Zoning Tools



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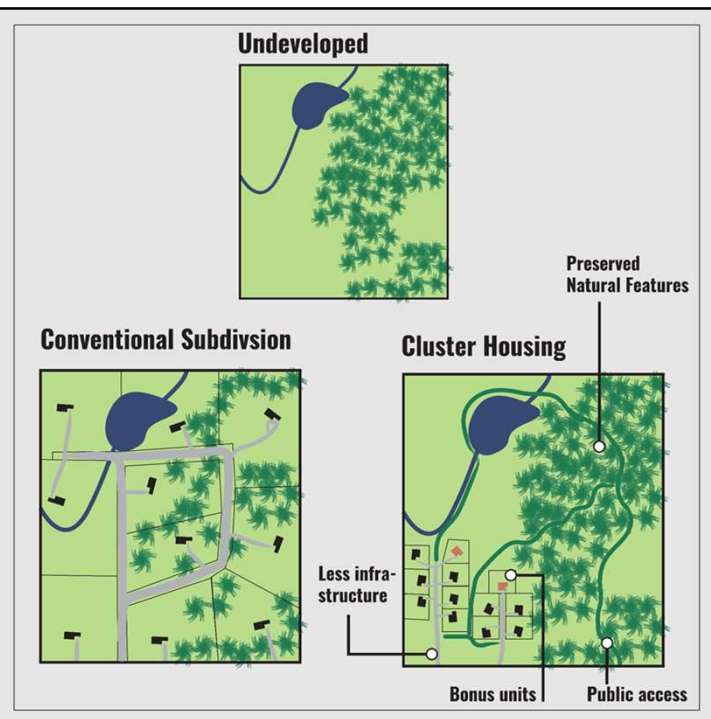
Cluster Housing

- AKA “Conservation Housing,” “Open Space Development,” etc.
- Subdivisions where homes are clustered on small lots and large swathes of open space are preserved for conservation and common use
- Increase adoption through: Density bonuses, reduced infrastructure req’s, reduced development site req’s, and streamlined permitting



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Village Plan Alternative

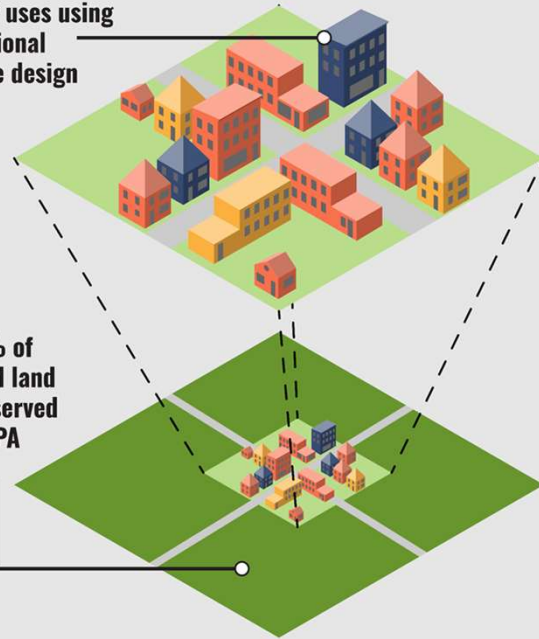
- A zoning tool to create new mixed-use villages by concentrating development capacity on 20% of a given area
- Reduces infrastructure costs while preserving open space
- Few communities and developers have used this tool



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Mix of uses using traditional village design

80% of rural land conserved in VPA



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Transfer of Development Rights

- Laws and processes that allow landowners to buy/sell allowed development capacity, concentrating housing where there is capacity
- Typically there is a (more rural) sending zone and (more developed) receiving zoning
- Must be calibrated to ensure use
- Requires administrative capacity and predictable permitting practices



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Sending Zone: Land owners sell development permissions and preserve open space/agriculture

Receiving Zone: Land owners buy development permissions to increase allowed density



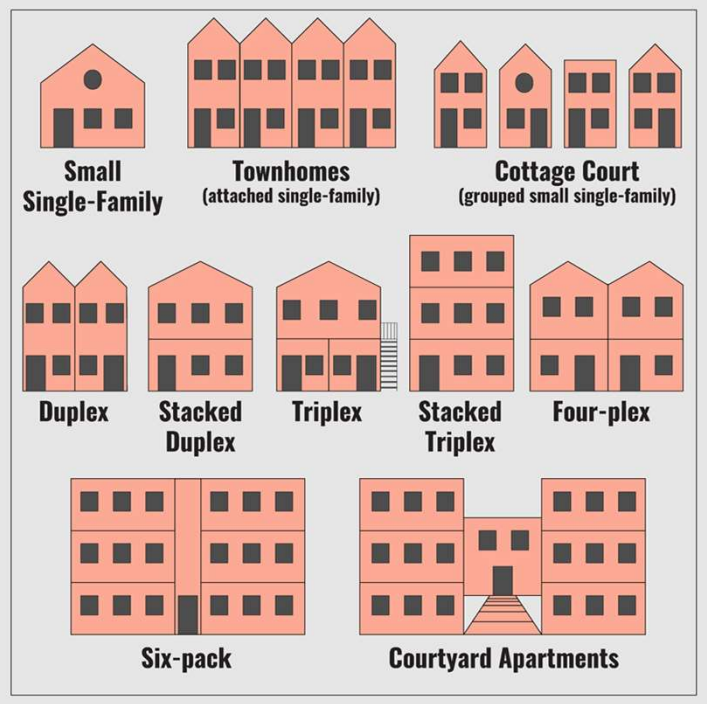
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Missing Middle Housing Types

- A range of housing types that are neither large single-family homes nor large (corridor) apartment buildings
- Often already present in older communities and around downtowns
- New construction is banned explicitly through use rules or implicitly through dimensional or subdivision rules



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Missing Middle Housing Zoning Change Examples

Ossipee now allows duplexes by-right in the Commercial and Roadside Commercial districts, the only remaining zoning districts in Ossipee where they were previously prohibited

Sandwich allows duplexes in all residential districts



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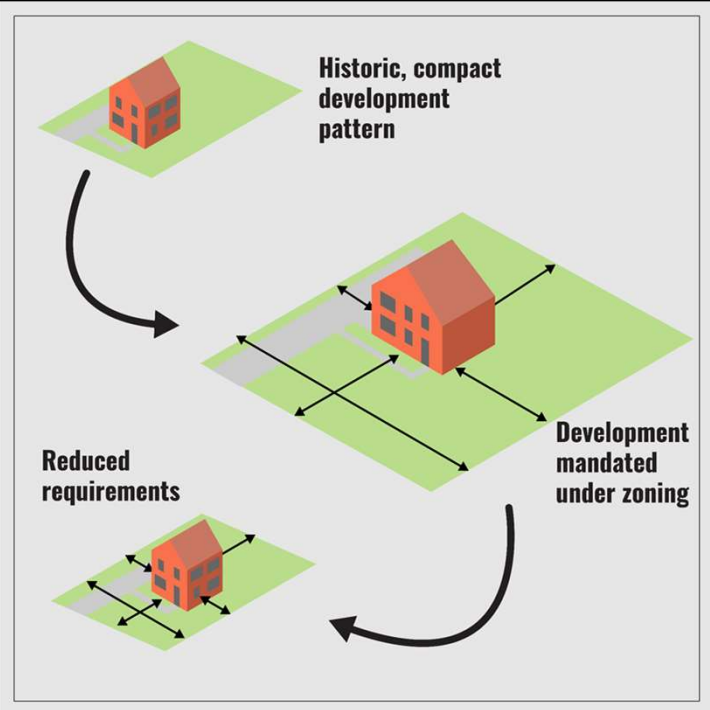
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Reduced Zoning + Subdivision Requirements

- Mid-20th-century zoning created rules that made development larger than existing buildings, parcel sizes, and infrastructure
- Dimensional, parking, and subdivision rules can be reduced to create more housing and more contextually appropriate homes



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Reduced Zoning Requirement Examples

Keene reduced minimum lot size from 5 to 2 acres in its low density rural district

Hinsdale reduced minimum lot size from 2 acres to 1 acre in rural agricultural district, allowed residential uses in commercial industrial district

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Reduced Parking Requirement Examples

Bethlehem, Colebrook, Sugar Hill, Waterville Valley

limited to 1 parking space per ADU

Gorham eliminated requirement that offsite parking be located within 400 feet of proposed use, and gave the Planning Board discretion to determine a reasonable distance based on a parking plan that documents the parking need and the adequacy of the parking proposed to serve that need

Plymouth reduced off-street parking requirements for ADUs and multifamily dwellings in all but one residential district

Waterville Valley created flexible parking requirements which allow tailoring of parking requirements to each development proposal to meet, but not exceed demand



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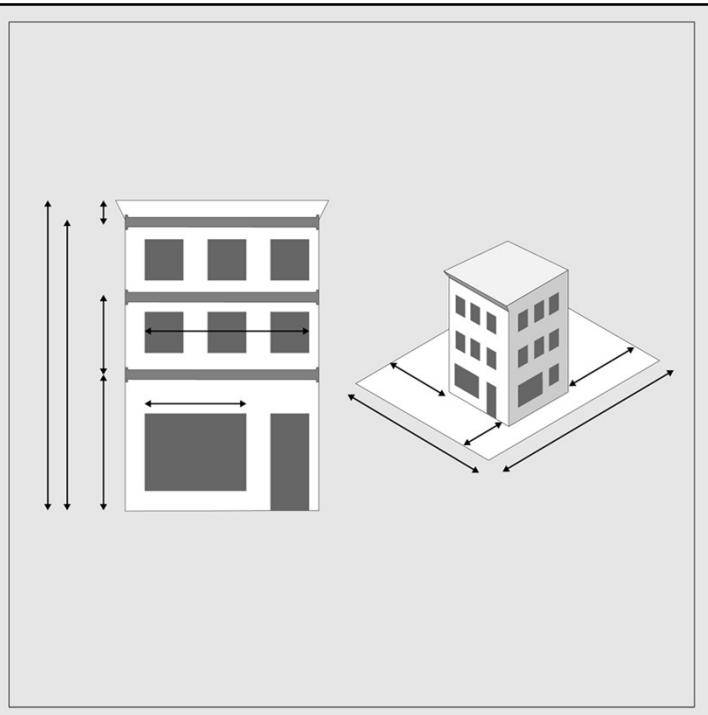
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Form-Based Codes

- Zoning rules that start with building types and design elements that community wants, and then allows those types and elements in certain areas
- Often used in Downtown or Village areas to complement historic character
- Can reduce zoning complexity for everyone, speed up housing production, and minimize unintended built outcomes



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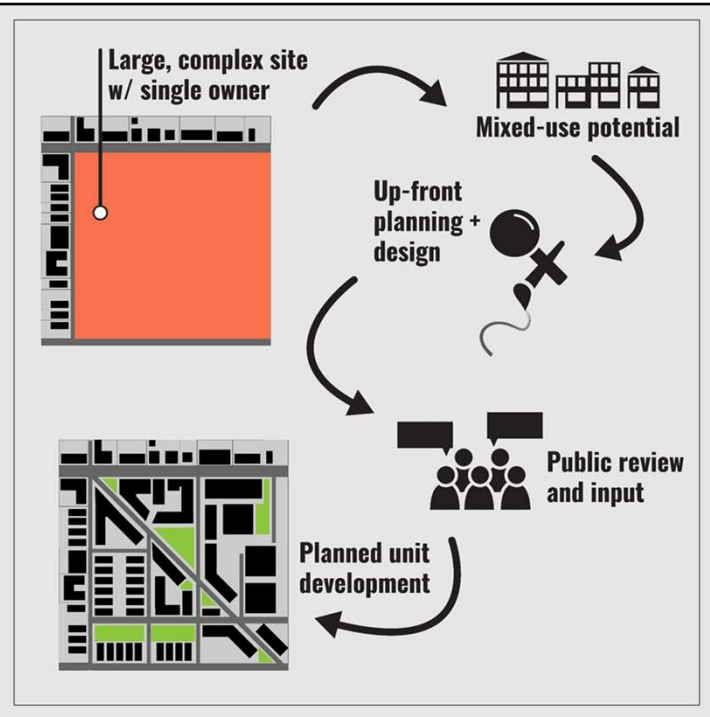
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Planned Unit Developments (PUDs)

- A zoning/permitting tool for large-scale, typically mixed-use projects that involves up-front design and public input
- Good to ensure precise outcomes for complex/abnormal sites where flexibility is required
- Should be preceded by community visioning for the site



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Inclusionary Zoning

- Local zoning law that encourages the production of deed-restricted affordable units within market-rate developments
- Typical local IZ law specifies rules (setbacks, minimum lot sizes, etc.) that can be relaxed if affordable units are added
- Under NH law, IZ must be voluntary
- Usually bonus market-rate units must be given to encourage adoption



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Workforce Housing Ordinance

- An ordinance (typically in zoning) that is specifically designed to help meet the state's workforce housing law
- Ordinances *could* include any changes that make workforce housing development easier
- Typically includes some mix of cluster housing and/or inclusionary zoning provisions



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Regulations cannot mandate unaffordable housing everywhere



Workforce housing must be allowed in a majority of residential areas



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Workforce Housing Zoning Changes

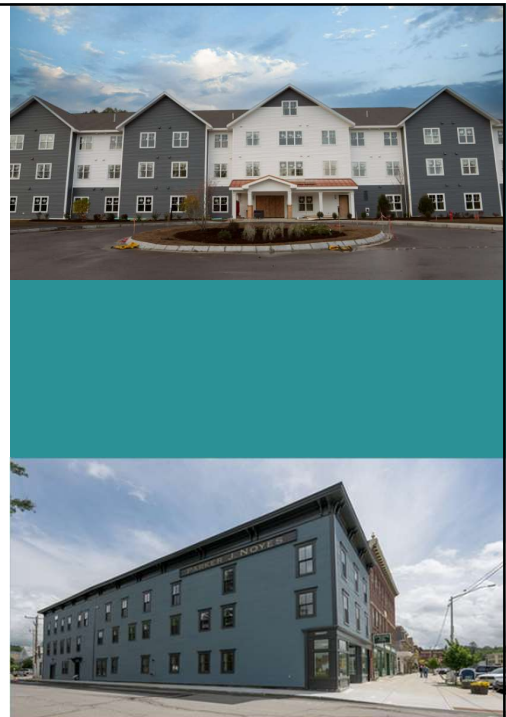
Chester adopted a Fair Market Rental/Workforce Housing Ordinance

Farmington increased the maximum density for duplexes and multi-family housing and added density bonuses for properties connected to water and sewer, while also allowing duplexes on rear lots in all residential districts except the Agricultural Residential District

Jaffrey now allows multi-family in the General Business and General Business A District where water and sewer is available and added a density bonus for workforce housing and senior housing. Also allows developers of workforce or senior housing to exceed the 8 units per building limit if it makes the project economically viable;

New London amended its Workforce Housing Overlay District to provide density bonuses, permit a greater range of multi-family housing by conditional use permit, and flexibility for the planning board to decrease dimensional requirements including minimum lot size for workforce housing.

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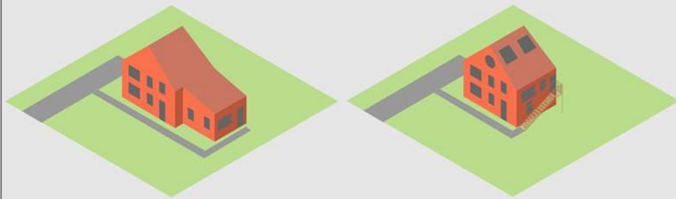
Accessory Dwelling Unit (ADU)

- An additional, secondary home on a single-family lot
- Attached ADUs must be allowed as of right, by conditional use permit, or special exception under RSA 674:71-73
- Towns and cities can adopt specific terms for attached and detached ADUs

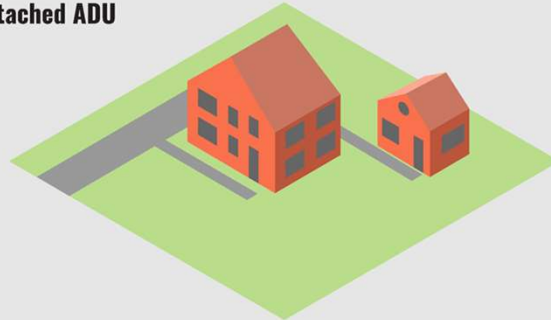


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Attached ADU



Detached ADU



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ADU Zoning Changes

Conway, Greenfield, New Ipswich, Sugar Hill, and Wilmot now allow 2 ADUs – generally the first allowed by right, second by special exception

Allenstown, Bethlehem, Bow, Boscawen, Colebrook, Dublin, Gilsum, Lyndeborough, Northwood, Troy now allow detached ADUs in Lyndeborough's case up to 2,000 sq. ft.

Francestown, Hancock, Rindge and Swanzey slightly increased the size of ADUs allowing ADU's up to 1,000 sq. ft. or expanded the areas in which they are permitted.

Chester and Plymouth now allow ADUs by right where they previously required a conditional use permit or special exception

Fitzwilliam changed from allowing detached ADUs by special exception to allowing them by conditional use permit

Wilton increased the permissible size of an attached ADU from 800 square feet to up to 1,200 square feet, or 25% of the main house's floor space

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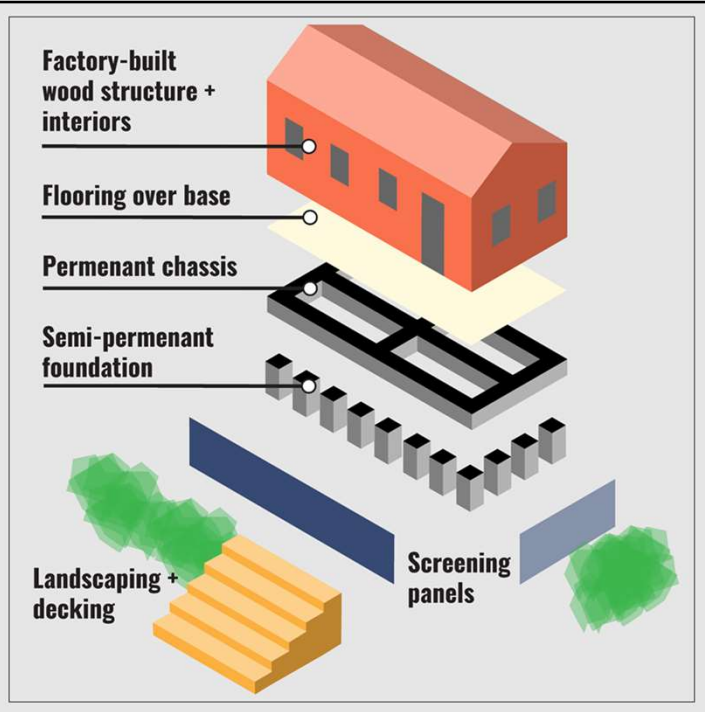
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Manufactured Housing

- Buildings constructed off-site and placed on a semi-permanent foundation that meet HUD building standards (rather than state/local building codes)
- State law requires communities allow reasonable opportunities for manufactured housing
- Manufactured housing communities can be resident-owned, which can be financed through the NH Community Loan Fund ROC-NH



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Manufactured Housing Zoning Changes

Berlin now allows Manufactured Housing on any residential lot.

Lebanon's Manufactured Housing Park ordinance now allows for neighborhoods with 5,000 SF lots and reduced paved road widths.



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Funding Tools



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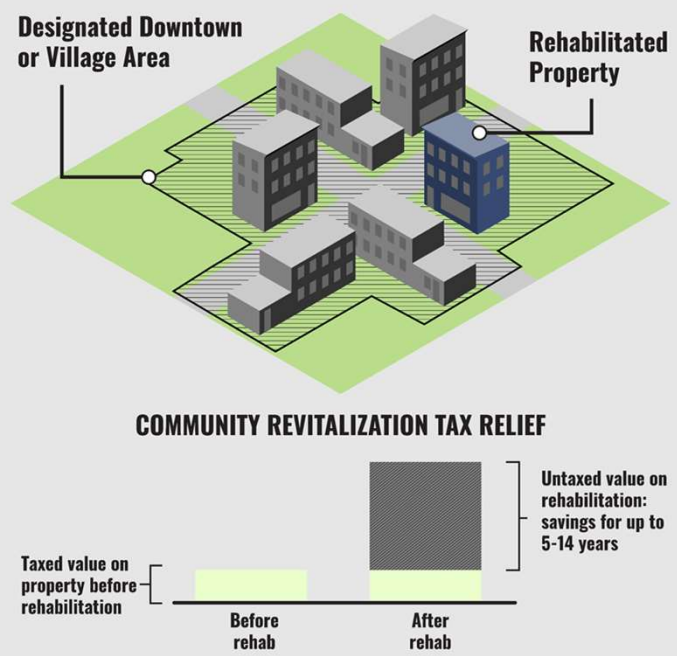
Community Revitalization Tax Relief Incentive (79-E)

- State-enabled, locally implemented relief from *increased* taxes resulting from redevelopment in a Downtown or Village Area.
- Tax relief for up to 5 years + up to 4 for listed historic structures + up to 2 for market-rate housing or 4 for affordable
- Approved by local GB on a project basis



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Housing Opportunity Zones

- A new part of RSA 79-E (in section 4-c)
- Instead of targeting redevelopment projects in downtowns, HOZs encourage housing generally in community-specified areas
- 30% of homes in a project must be deed-restricted affordable units to qualify for up to 10 years of tax relief

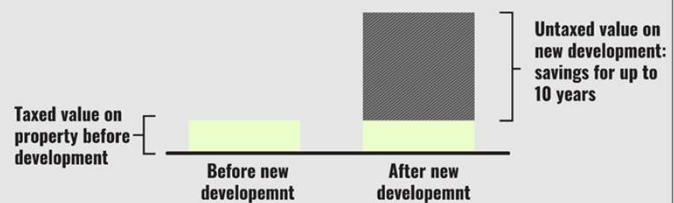


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Designated Housing Opportunity Zone



TAXES IN HOUSING OPPORTUNITY ZONE



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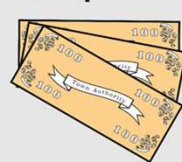
Tax Increment Financing (TIF)

- A way for local government to raise money for infrastructure investment and unlock development by allocating development-related revenue gains to pay off infrastructure-related debt
- Must be calibrated and phased to minimize risk to local government
- State law requires a sequence of implementation steps, plus ongoing financial reporting

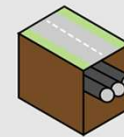


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Municipal bond



Infrastructure



Private development



Bond payments



Property taxes on increased values



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Other



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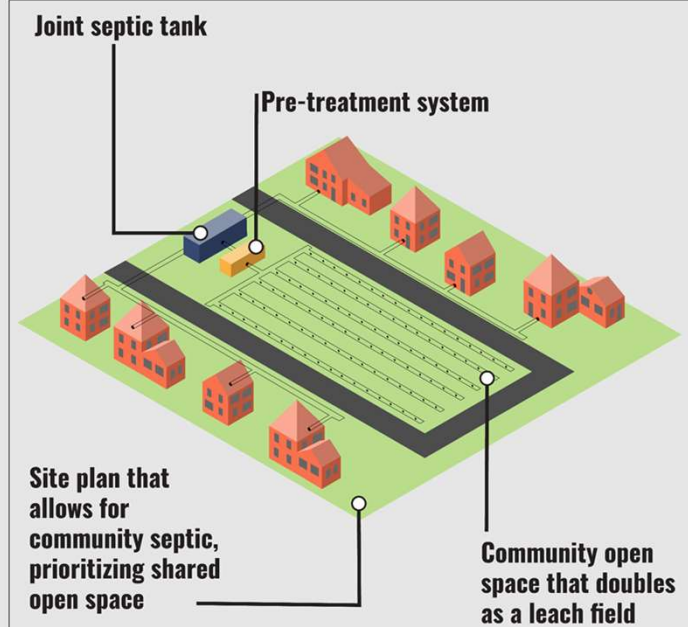
Wastewater System Alternatives

- Options for wastewater treatment beyond sewer and single-property septic systems
- Often some mix of shared facilities, pretreatment, and siting
- Typically depends on clustered siting and decentralized wastewater treatment
- NH DES oversees what is possible



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Short-Term Rental Regulations

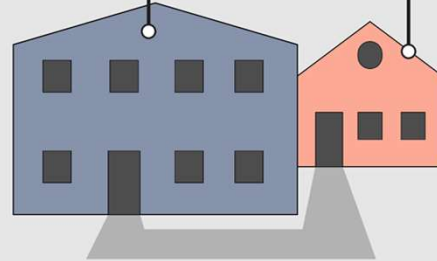
- Short-term rentals (STRs) (like those facilitated through AirBnB) can impact the wider housing market in certain types of communities
- Regulations can manage location and management of STRs
- Many communities using zoning (use regulations) to specify available locations, but non-zoning rules are also possible



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Owner-occupied home

Short-term rental



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LODGING USES PERMITTED
FEES FOR INSPECTION**

**MEALS + ROOMS TAX
MAX OCCUPANCY
MAX DAYS RENTED**

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Emerging Tools: Cottage Courts, Pocket Neighborhoods, and Pattern Zones



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Resources

- [Municipal Land Use Regulation Survey](#)
- [New Hampshire Housing Toolbox](#)
- [New Hampshire Zoning Atlas](#)
- [Resilient Land Use Guide for New Hampshire](#)
- [NHMA Town and City, September-October 2024, *More New Hampshire Communities Are Becoming Housing-Friendly. Could Yours Be Next?*](#)

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Q&A

THANK YOU

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