2020 Land Use Law Conference

8:45 a.m.  Welcome Remarks

9:00 a.m.  CONCURRENT SESSIONS

This session will provide an overview of the development and implementation of the award-winning Mount Washington Valley Age-Friendly Community Action Plan, an effort by 11 communities who are members of the AARP Network of Age-Friendly Communities to make their region more livable for citizens of all ages. Discussion will focus on the housing, zoning, and outdoor space components of the plan.
Presented by: Todd Fahey, State Director, AARP New Hampshire
Marianne Jackson, MD, Vice President, Gibson Center for Senior Services, Inc

Introduction to Local Land Use Boards
This session is for brand new municipal planning, zoning, and other land use board members and is designed to be an interactive discussion about board responsibilities and your duties as a board member. From taking the oath of office, to where to find the law, we’ll provide a broad overview of basic procedures, discuss current planning topics, and review information resources. The session will conclude with an extended time to answer your questions about how to make a good start at being a successful board member.
Presented by: Anne Cunningham, Planning Board Chair, Town of Freedom
Jennifer Czyz, Executive Director, Strafford Regional Planning Commission
Michael Klass, Principal Planner, NH Office of Strategic Initiatives

Master Plans: Time to Think Differently
Create an environment where the Master Plan becomes more than a document on the shelf that you dread putting together every few years. Join two of New Hampshire’s most experienced and entertaining municipal planners to talk about
how to make the Master Plan a dynamic document that becomes integrated into your regular land use plan review process.

**Presented by:** Christopher Parker, AICP, Assistant City Manager and Planning Director, City of Dover
Steve Whitman, AICP, Resilience Planning & Design, LLC

**Planning Board Basics – Part 1: 91-A, Conflicts, Fundamental Statutes**
This session is for new planning board members and alternates, as well as veterans, who want a refresher course on the basics. Topics for discussion include what is a completed application, the timeline for planning board review, conducting meetings and public hearings, subdivision and site plan review regulations, innovative land use controls, third-party consultants, zoning amendments, affordable housing, off-site exactions/impact fees, conflicts of interests, developments of regional impact, the Right-to-Know law and much MORE.

**Presented by:** Stephen Buckley, Legal Services Counsel, NH Municipal Association

**What’s New in Water Resources**
Come and learn about new information for land use board members and staff regarding floodplain and wetland areas. Hear about the new floodplain resources and mapping tools now available to assist your community with enhancing your local floodplain management program. Also hear about the state’s new wetland rules, best management practices, and permitting process.

**Presented by:** Jennifer Gilbert, Floodplain Management Program, NH Office of Strategic Initiatives
Mary Ann Tilton, Assistant Bureau Administrator, NH Department of Environmental Services

**ZBA Decision Making Process**
You’ve notified abutters, held the public hearing, heard hours of testimony, and now it’s time to make a decision. What do you do? Do you need to decide right then and there? What if you only have four members present? Can there be conditions of approval? Do you vote on each of the criteria separately? Do you need to vote on anything at all? If these and other questions have plagued your ZBA, this session is for you.

**Presented by:** Christine Fillmore, Esquire, Drummond Woodsum
Matthew Serge, Esquire, Drummond Woodsum
10:15 a.m.  Break

10:30 a.m.  CONCURRENT SESSIONS

“Do I Need to Recuse Myself?” Answering Allegations of Conflicts of Interest for Land Use Board Members
Land use board members are often faced with this question because an applicant has alleged a conflict of interest. On the other hand, it may be a question that land use board members should be asking, but aren’t. Join us to get answers to these questions through this lively and engaging workshop, which includes “real-world” scenarios intended to both entertain and inform. Presenters will also discuss issues surrounding social media use.
Presented by: Margaret Byrnes, Executive Director, NH Municipal Association

Planning Board Basics – Part 2: Board Organization, plat review procedures, hearings, decisions
This session is for new planning board members and alternates, as well as veterans, who want a refresher course on the basics. Topics for discussion include what is a completed application, the timeline for planning board review, conducting meetings and public hearings, subdivision and site plan review regulations, innovative land use controls, third-party consultants, zoning amendments, affordable housing, off-site exactions/impact fees, conflicts of interests, developments of regional impact, the Right-to-Know law and much MORE.
Presented by: Stephen Buckley, Legal Services Counsel, NH Municipal Association

Short-Term Rentals
This session will provide an overview of the issues surrounding short-term rentals, such as Airbnb and VRBO properties, as they relate to local land use boards. Discussion will also include recent legislative efforts as well as related litigation that may impact the short-term rental landscape. The session will conclude with time for Questions and Answers.
Presented by: Cordell Johnston, Government Affairs Counsel, NH Municipal Association
Using Census Data
This session will look at the many ways that U.S. Census data is used to inform a variety of local and regional planning issues, and will provide a tutorial on using Data.Census.Gov, the new and improved way to access Census data.

Presented by: Alexandra Barker, Supervisor & Census Academy Manager, U.S. Census Bureau
Henry Underwood, GIS Specialist/Planner, Southwest Region Planning Commission

Workforce Housing Challenges and Solutions
This session will provide an opportunity to learn about challenges as well as success stories of communities that want to increase their workforce housing stock. Panelists will share their experiences tackling the unique challenge of housing affordability and supply in communities across the state including Amherst, Candia, Jackson, Nashua, Pelham, and Peterborough. Attendees will benefit from hearing what has and hasn’t worked elsewhere in the state.

Presented by: Jeff Gowan, Planning Director, Town of Pelham
Carol Ogilvie, Planning Consultant and Former Community Development Director, Town of Peterborough
Steve Whitman, AICP, Resilience Planning & Design LLC
Sarah Wrightsman, Executive Director, Workforce Housing Coalition of the Greater Seacoast

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11:45 a.m.  Lunch

12:15 p.m.  CONCURRENT SESSIONS
Ask a Planner
Do you need to update your master plan but do not know where to start? Does a project need approval from multiple boards, and you need to decide who goes first? Has it been a few years since you updated your zoning and you are trying to catch up on the latest topics? Join Sarah and James for answers to your burning questions about planning, zoning, and meeting procedure. This session is for new and experienced board members alike and will focus on attendee questions.
Presented by: James Burdin, Senior Regional Planner, Strafford Regional Planning Commission
Sarah Marchant, Community Development Director, City of Nashua

Class VI Roads: Development and Use
This session will outline the roles and responsibilities of municipal officials and local land use boards with regard to Class VI roads, as well as explain the legal processes related to allowing development on Class VI roads. Topics such as snow plowing and maintenance, the intersection of private and class VI roads, and construction on class VI and private roads will be covered.
Presented by: Natch Greyes, Municipal Services Counsel, NH Municipal Association

Introduction to Architectural Regulations for Planning Boards and Historic Districts
Architecture has a significant impact on the experience of place. Communities attuned to their built environment may wish to set standards for new buildings and to protect important older ones. This session will provide the basics for crafting and implementing architectural regulations as part of site plan review (first half of session) and for developing and managing a historic district (second half).
Presented by: Micheal Behrendt, Town Planner, Town of Durham
Nadine Miller, Deputy State Historic Preservation Officer, NH Division of Historical Resources

Legal Update (Double Session)
This session will review recently enacted legislation that affects the responsibilities and authority of municipal planning and zoning boards. Additionally, it will review what happened in the 2020 legislative session, and provide a preview of what might happen in 2021. Recent New Hampshire Supreme Court decisions involving land use issues and the impact they have on
municipal planning and zoning will also be discussed. Participant questions are strongly encouraged!

Presented by: Benjamin D. Frost, AICP, Esquire, Managing Director of Policy and Public Affairs, NH Housing Finance Authority

Meeting Mechanics of Land Use Boards
Appropriate for beginning members, seasoned veterans, as well as land use administrators, this session will provide an overview on the mechanics of a land use board meeting. Discussion will touch on requirements for legal notice, meeting procedure and conduct, conflicts of interest, Right to Know issues, and more. The session will conclude with Q&A.

Presented by: Tim Corwin, Esquire, Senior Planner and Zoning Administrator, City of Lebanon
Shawn Tanguay, Esquire, Drummond Woodsum

Roles and Responsibilities of the Zoning Board of Adjustment
This session will provide a detailed look at the statutory responsibilities of the ZBA including appeals of administrative decisions, special exceptions, and variances. This session will also provide an in-depth discussion of how the case law interprets the five variance criteria. Time will be devoted to participant questions.

Presented by: Christopher L. Boldt, Esquire, Donahue, Tucker & Ciandella PLLC

1:30 p.m.   Break

1:45 p.m.   CONCURRENT SESSIONS

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Presented by: Benjamin D. Frost, AICP, Esquire, Managing Director Of Policy and Public Affairs, New Hampshire Housing Finance Authority
Meeting Conduct and Conflict Resolution
It’s not easy being a board member on a land use board! Join us for a presentation and discussion on the common issues board members face including how to issue clear and strong decisions, how to address conflicts of interest and recusal – for yourself and other board members, how to interact with difficult applicants or angry abutters, among other topics. We will discuss how to address these issues with some real-world examples and will provide relevant statutes and case law. Presented by a current Selectman, and a former Selectman and Planning Board member.

Presented by: Keriann Roman, Esquire, Drummond Woodsum
Steve Whitley, Esquire, Drummond Woodsum

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Small Town Planning
Join our panel of planners that have experience working in small towns and get some pointers on how to overcome planning trials and tribulations of planning in a small town. Like how to maintain and foster: economic development, small business attraction, rural character, preservation of open spaces, civic pride, environmental protection, etc. Also, knowing how to handle potential obstacles through the planning process like: political opposition, budget constraints, zoning amendments, controversial developments, public opposition, clear ordinance/regulation language, acceptance of application, impact fees, writing ordinances, etc.

Presented by: John Edgar, AICP, Community Development Director, Town of Meredith
Mark J. Fougere, AICP, Fougere Planning & Development, Inc.
Angela LaBrecque, AICP, Town Planner, Town of Meredith

3:00 p.m. Conference Concludes