



2020 Land Use Law Conference

8:45 a.m. Welcome Remarks

9:00 a.m. CONCURRENT SESSIONS

Coming Together to Make an Entire Region More Livable: A Case Study of the Mount Washington Valley Age-Friendly Community Action Plan

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

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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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Matthew Serge, Esquire, Drummond Woodsum

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

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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*
Steven 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