



# NHMA LAND USE LAW CONFERENCE

Small Town Planning

1:45 PM – 3 PM


- ▶ **Speaker:** Mark Fougere, AICP Fougere Planning & Development, Inc.
  - ▶ Over 30 years of NH planning experience, eleven years as a municipal planner. Provide planning services to both public and private sector clients. Presently serve as “town planning” to five communities in the State. Based in Milford.
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## ▶ **Topics:**

- ▶ Rural Character
  - ▶ Public Opposition/Controversy
  - ▶ Impact Fees
  - ▶ Workforce Housing
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# Rural Character:



- ▶ Everyone wants it.
  - ▶ What is it?
  - ▶ No development?
  - ▶ No change?
  - ▶ Must be careful when using term, especially as it relates to controlling development.
  - ▶ Can't use as a growth control provision. Communities must adhere to RSA 674:22 and tie restrictions to the "lack of capacity" of some community facility.
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## How can you maintain rural character?

- ▶ Buy land & easements.



- ▶ Require no cut buffers along roadways.
- ▶ Increase setbacks along roadways.
- ▶ Combine curb cuts.




- ▶ Mandatory open space subdivisions for major subdivisions.
  - ▶ Adopt regulations: Hollis Rural Character Ordinance – Requires landscape plantings along with limits to grading and ridge top development.
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## ▶ Public Opposition – Controversy




- ▶ Social media becoming driving force in communication.
  - ▶ Boards must gain understanding of this trend and counter when facts are distorted.
  - ▶ Failure to address can have legal consequences.
  - ▶ Social media forums must be monitored to gage legitimate concerns on development projects or other issues V. misrepresentations of facts.
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▶ **Facts are stubborn things:**

- ▶ Post plans, reports etc. on the town's website. Very easy to do, applicants can submit pdf files with paper plans when submitting applications.
  - ▶ Counter mislaid claims at public hearings, reference studies and reviews of studies to support arguments.
  - ▶ Fully explain zoning initiatives as to their purpose and what critical issues are being addressed.
  - ▶ Don't let up after final hearings, post reasons behind zoning changes on town's website, social media sites and other key platforms or voter mailings.
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## ► Impact Fees



- ▶ Not a panacea!
  - ▶ Must have adopted master plan and a strong Capital Improvement Plan.
  - ▶ Can only be used to fund “extra capacity” of capital projects, cannot be used to pay for general maintenance or rehab.
  - ▶ A majority of a capital projects costs will not be reimbursed through impact fees.
  - ▶ Best to have a project approved by voters in place before charging impacts fees V. a planned project that has not been approved.
  - ▶ Must adhere to statutory provisions of RSA 674:21.
  - ▶ Strong record keeping is required and yearly summary reports must be published detailing money received and expended.
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- ▶ Monies collected must be spent within 6 years of receipt or returned.
  - ▶ Methodology used to calculate an impact fee should be kept up to date and revised as needs changed (at least every six years). Costs and projects must be relevant and supported by the community.
  - ▶ Impact fees are not a growth control.
  - ▶ Can be a useful tool to assist in paying for critical capital needs.
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## ▶ Workforce Housing



- ▶ Critical housing shortage in the state, impacting business development and employment.
- ▶ NH population is aging, retention of younger demographic is critical to the State's economy.
- ▶ Every community must adhere to Workforce Housing Statute, RSA 674:58 to 61.
- ▶ Numerous examples exist outlining solutions that are appropriate for communities of every size.
- ▶ Many sources of assistance, from local regional planning commissions, housing advocates in your area or NHHFA:  
**<https://www.nhhfa.org/housing-challenges-solutions/workforce-housing/>**
- ▶ Communities & Consequences II, PBS Nov. 1 3 PM  
<https://nhpbs.org/communitiesandconsequences/>



- ▶ Unintended Consequences
  - ▶ When appropriate, test drive your zoning/regulation initiatives.



► QUESTIONS: ?????????????????????????????????

ADDITIONAL QUESTIONS:  
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