



VOL. 5, NO. 4

# THE GRANITE STATE PLANNER

FALL 2008

[www.nhplanners.org](http://www.nhplanners.org)

## PRESIDENT'S MESSAGE

After a relatively calm summer, the NHPA Executive Committee is busier than ever planning workshops and getting ready for the annual meeting. Being fall, it is election time again. Becky Hebert, Pierce Rigrod and my three-year terms are soon to end. While Pierce and I have opted to run for another 3-year term, to our chagrin, Becky will be leaving the Executive Committee. Also, Sarah Marchant is also up for election to complete the two remaining years of Angie Vincent's term. Hopefully, a few other members have contacted Ben Frost to add their name to the ballot. If you'd like to get involved, but don't want the full commitment of serving on the Executive Committee – please contact any of the current committee members. We would love to have some volunteers to help plan professional development sessions, write articles for the newsletter, get involved in the legislative process, or any other way you'd like to contribute.

The Executive Committee will be presenting some new items they have been working on at the upcoming annual meeting. Some highlights include adopting the APA Sustainability Policy for our organization and discussing legislative priorities for the 2009 legislative session.

In addition to NHPA's Annual Meeting and Professional Development Workshop, there are a couple other professional development sessions in the works for this fall – all either have CM credits already approved or are in the works. Upcoming events include the Fall Planning and Zoning Conference (partly sponsored by NHPA) and two NHPA sponsored sessions at the Local Government Center's Annual Conference.

Hope to see you all at the Annual Meeting on November 7<sup>th</sup>!

## NNECAPA PLANNING GRANT AWARD

Congratulations to Chris Closs and the NH Preservation Alliance! Chris' application was one of several submitted to NHPA competing for this year's NNECAPA Planning Grant. The NHPA Executive Committee was thrilled that this grant could help strengthen a professional connection between NHPA and the Preservation Alliance – Chris is a member of both organizations – as well as support a timely planning effort for the state.

The grant will provide \$1,000 to the Preservation Alliance's *Sustaining Communities through Smart School Siting Policies Initiative*. Deferred maintenance, increasing costs of energy, changing education needs, and how our citizens pay for schools are challenges in school building planning decisions. The questions of school siting – relative to renovating/expanding existing schools or building anew - are issues being discussed all over New Hampshire. In many cases communities are being fractured by this highly emotional issue, now exacerbated by school-age population decline, and weakening the decision-making process. The often intense debate frequently lacks a clear connection to municipal or regional planning, or a thorough and organized process for reviewing and analyzing

*(continued on next page)*

## EXECUTIVE COMMITTEE

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**Mikaela Engert**  
NNECAPA Ex-Officio

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the alternatives, particularly in conjunction with emerging factors such as sustainability and student transportation, leading to debates which can continue for years without a decision that a majority of voters can support.

This project will begin with a coalition building initiative forging new relationships with legislators, partner agencies, and allied organizations. It will then identify current policy impediments and opportunities for reform in conjunction with partners and stakeholders. This research will be utilized to prepare and disseminate educational materials which explore the dynamics, limitations and opportunities – while suggesting emerging solutions –

regarding the complex issues surrounding school siting policy issues. These education materials and “best practices” will be presented to local, state and national planning and community development interests. Lastly, the initiative will seek support of legislation to address the salient issues identified through the *Smart School Siting Policy Initiative* process.

NHPA, through the NNECAPA grant, joins the National Trust for Historic Preservation, NH Historical Society, Capitol Copy, and other private donors in supporting this important planning and preservation initiative.

*For Immediate Release*

## GREAT PLACES CONTEST HIGHLIGHTS REGION'S BEST PUBLIC SPACES

Nashua, NH — We all know a great community when we see one, but what exactly makes it so unique? Many factors contribute to the vitality of a community, from its amenities, natural areas, and built environments to its architectural flair and the energy of its citizens. Great Places are those public spaces that stand at the intersection of these factors, fostering social interactions and creating a sense of community.

The Nashua Regional Planning Commission (NRPC) is celebrating the region's communities by holding a Great Places Contest as part of National Community Planning Month in October. One Great Place will be selected from each NRPC member community, including Amherst, Brookline, Hollis, Hudson, Litchfield, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, Nashua, Pelham, and Wilton. Citizens are invited to nominate their favorite Great Place by visiting [www.nashuarpc.org/greatplaces](http://www.nashuarpc.org/greatplaces). Nomination forms will also be available at libraries throughout the region. All nominations must be received by September 8.

Great Places are at the heart of our region's vibrant, livable cities and towns and they are as unique as the communities they reside in. Great Places can range from town commons, parks, and conservation areas, to farmers' markets, public



buildings, and historic sites, as well as anything in between. While no two Great Places are exactly alike, they all utilize interesting features and design elements, support a variety of activities, and have distinctive characteristics and traits.

National Community Planning Month, sponsored by the American Planning Association, is designed to raise awareness of planning achievements across the country and to recognize the many local projects that make our communities wonderful places to live and work. Last year, NRPC marked National Community Planning Month with the debut of its Great Streets Program. One Great Street was selected from each member community based on citizens' nominations and a driving tour was developed to highlight these streets across the region (please visit [www.nashuarpc.org/greatstreets](http://www.nashuarpc.org/greatstreets) for more details). It soon became clear that the Nashua Region's community assets extended beyond its streets, so this year NRPC is broadening its scope to celebrate the region's Great Places.

For more information about the Great Places Contest, please visit [www.nashuarpc.org/greatstreets](http://www.nashuarpc.org/greatstreets) or contact Jill Simonetti, Public Outreach Coordinator, at [jills@nashuarpc.org](mailto:jills@nashuarpc.org) or 603-883-0366 x27.

## NNECAPA 2008 ANNUAL AWARDS RECIPIENTS

At the NNECAPA conference in Woodstock, Vermont, planners from Maine, Vermont, and New Hampshire gathered to celebrate the profession by honoring this year's awards recipients. Congratulations to the winners!



### Plan of the Year:

#### 2008 Rutland Regional Plan, Rutland Regional Planning Commission, Rutland, VT

The adoption of the Rutland Regional Plan in April 2008 was the culmination of a nearly four-year effort to build a comprehensive needs and action-oriented Plan for the region. The Rutland Regional Planning Commission embarked upon a process that would result in a redesigned plan that provides clear direction, is easy to use, and utilized a public participation process that allowed for many opportunities for feedback.



planning. Her recent role as originator of the Gateway One planning process for 21 towns in midcoast Maine exemplifies her commitment to planning. In her various positions and as present Chief of Planning, Bureau of Transportation Systems Planning, she has been able to use her position to work closely with planners, engineers, citizen planners and federal bureaucrats to make a difference. How many of us can say that we may be changing the culture of decision making at a very conservative and traditional organization? How many of us can successfully get 21 town representatives to meet together for four years to discuss issues facing them and to plan jointly for the future? Through her perseverance and support of planning and the Gateway One program in the Midcoast, Kat Fuller has worked to increase the understanding of planning principles and practice among engineers, fellow planners, citizen planners, government officials, environmental organizations and the everyday citizen. Her influence has been widespread and commendable.



### Project of the Year:

#### Milford Community Facilities Planning Process, Milford, NH

This project represents a process that is anchored in citizen-driven community

planning, resulting in a sustainable methodology to plan for and prioritize long-range facility needs. The process evolved from the need for a new police station, as three preceding warrant articles were defeated by the community. This process is seen as a thorough, comprehensive, and sustainable approach to anticipating citizen questions and building community support on expensive and sometimes controversial facility needs.



### Professional Planner of the Year:

#### Kathleen Fuller, Chief of Planning, Bureau of Transportation Systems Planning, Maine DOT

Throughout Kat Fuller's professional career, she has been an upstanding supporter of the principles and practices of



### Citizen Planner of the Year:

#### Nancy Malcom, Middlebury, VT, Planning Commission, Design Review Board and Chair, Middlebury Area Creative Economy Program Outreach Group

Nancy's breadth of involvement in the community spans the areas of healthy living, health care, children and youth, schools, the business community, recreation and park improvements, and, in recent years, community and economic development planning.

Nancy is a key member of the Planning Commission and has helped organize a strategic planning retreat in 2006. While the Planning Commission was swamped with a major Zoning and Subdivision Regulations rewrite and major development applications, Nancy took on grant applications and planning organization for a Safe Routes to School walking/biking initiative.

Nancy Malcolm is a thoughtful and thorough communicator with a 35-year web of community connections and accomplishments. She has an innate ability to read people, inspire them to get involved organize and delegate. Nancy Malcolm is an inspiration to citizens of what citizen planners can accomplish.

## NEW HAMPSHIRE

by *Mikaela Engert*

### New Hires

Eric Steltzer was recently hired to fill the Energy Policy Analyst position. Most recently Eric had been working at the Rockingham Planning Commission in Exeter as a Regional Planner and developed a Regional Energy Master Plan to guide local community energy efforts. Eric received his Masters from University of New Hampshire and his Bachelors from Colorado State University. His studies have focused on renewable energy development, environmental policy, and natural resource management.

Farzana Alamgir was recently hired to staff the Office of Energy and Planning's State Data Center and to provide additional support for Municipal and Regional Technical Assistance. Farzana has an undergraduate degree in Architecture, with a Masters in City and Regional Planning from Ohio State University. She recently moved from Columbus, Ohio, where her previous job was with DeJONG Inc., in Dublin, Ohio, a firm that provides educational facilities planning. Farzana will be working in the State Data Center in preparation of the 2010 census and SmartGrowth initiatives. Her interests are environmental planning and SmartGrowth are her fields of interest.

### Model Small Wind Energy Systems Technical Bulletin

As a result of **HB310** (<http://www.gencourt.state.nh.us/legislation/2008/HB0310.html>) an act allowing municipalities to regulate small wind energy systems, the Office of Energy and Planning will be developing a technical bulletin relative to model municipal ordinances for the construction of small wind energy systems which should be available in September.

### New Digs

Planning Consultant Bruce Mayberry announced that he has moved to the office campus at Pineland Farms in New Gloucester, Maine. His new email address is [bcmplanning@securespeed.us](mailto:bcmplanning@securespeed.us) and the telephone number is (207) 688-8433. The business address is 49 Pineland Drive, Suite 202B, New Gloucester, ME 04260.

### Other News from NH Planners

**Jeff Gowan** reports that **Pelham** is working with the DOT on a Town Center traffic project that entails 2 roundabouts. The DOT has employed their Context Sensitive Solutions (CSS) approach, which Jeff says is a wonderful change in process. The project is bumping up against the usual local political quagmires but it is still alive and moving forward.

**Ross Moldoff**, Planning Director for Salem will be **celebrating 25 years** as the Planning Director in December! According to Ross, that's second to Dave Holden in Portsmouth for current longevity in a single town. Congrats, Ross!

**Ross** also reported that the Salem Planning Board is currently reviewing site plans for new **CVS pharmacies at 3 separate locations in Salem!**

**Planning Director, Rhett Lamb**, reports that the **City of Keene, NH** is wrapping up its six-month **community visioning process**. Keene's process was inspired by Portsmouth's use of study circles to engage residents in small-group discussions about the community's future. Keene's version took on a different focus and we called our study circles "Visioning Conversations"; and they were a huge success! Two rounds of visioning conversations were held and approximately 1,200 people participated in the process in total, ranging in age from 12 to over 70! We had 42 facilitators trained to help run the Visioning Conversations and in the end, over 40 small-group discussions occurred. The aspect that is most impressive: the community drove this process and very little was done in terms of traditional marketing and outreach to draw in participants. A majority of it was done word-of-mouth by the Steering Committee, interested citizens, volunteers, and our community facilitators. The vision and core community values statements are in the drafting phase and we hope to have it endorsed by the community and approved by Council in September/October. The Next Step: an RFP will be issued in the fall for incorporating the vision and core community values into a comprehensive master planning process, tentatively scheduled to begin in late November.

The results of  
the NH Planner's  
membership survey  
on legislative  
and policy issues  
can be found at  
[nhplanners.org](http://nhplanners.org).

## OUR MEMBERSHIP SPEAKS: LEGISLATIVE AND POLICY ISSUES

by Clay Mitchell, Esq., MG Planning LLC

For the coming year, the NHPA is going to address the policy issues highlighted by our membership survey. The following responses from our membership made the list. Included is our initial comment for addressing these issues and how we intend to support the membership's concerns. Over the course of the year we will keep tabs on the development of these policies and legislative concerns and keep you informed.

**Concern:** Allow impact fees for open space acquisition, specifically for active community oriented uses such as town forest creation and expansion, for protection of watersheds and critical water supplies, and for forest and farmland protection 47.5% (19 responses)

**NHPA Strategy:** In the past, blanket authorization for "open space acquisition" has received significant resistance. With specific limitations and some potential linkages to a community master plan, we expect to blunt that resistance and build upon the connection between planning and action and reach a consensus result that allows communities, in limited cases, to collect impact fees for certain types of open space.

**Concern:** Amend state building code to incorporate green standards 57.5% (23 responses)

**Strategy:** NHPA will likely play a supporting role in this effort since several other state, non-profit, and business groups are calling for the same effort, albeit for different reasons. The state has initiated an Energy Efficiency and Sustainable Energy Board under HB 1561. This Board has wide authority to look at energy efficiency measures. The Governor's Climate Change Task Force has several of its action plan recommendations that focus on energy codes. The job for NHPA is to insure the code is progressive, responsible, and enforceable. Our strategy will be to watch, participate, and educate.

**Concern:** Rewrite statutory standards for variances 45% (18 responses)

**Strategy:** We will continue to watch and help with the progress of SB 335 which was held over for interim study. This bill creates the new standards for the variances.

**Concern:** Ex-officio planning board seat on the ZBA, and vice versa 10% (4 responses)

**Strategy:** This is a new one for us, but appears to be a good idea. We will review this for potential language and will then work with some of our legislators to see if we can get a sponsor.

**Concern:** Auto registration local option—double to \$10 for funding of mass transit Add a statewide car registration fee devoted to transit funding 37.5% (15 responses)

**Strategy:** The goal of this legislation is laudable and consistent with most, if not every, master plan in the state. We must however, tread carefully when anyone suggests the raising of a fee. This is especially critical during the current economic situation (recognizing of course that mass transit is an affordable form of transit). We will have some discussions with legislators about the palatability of this effort at this time. If there is concern, we will hold this issue for a more appropriate time. If there is support, we will consider language for a bill.

**Concern:** Amend constitution to allow gas tax to be spent on things other than highway construction and maintenance 47.5% (19 responses)

**Strategy:** "Amend constitution" are frightening words for many people. However, given the latest attention to this issue, we may begin to explore the possibility for starting this effort in earnest. Our strategy would be to involve as many groups as possible before this effort gained steam, so we will begin to explore this idea for the coming year with other groups and report back to the membership on the potential and required steps for this effort.

*Single response items:*

1. Total review and revamp of the RSAs addressing planning.  
**Comment:** Quite the task, and may require a committee and a lot more time and resources than the NHPA volunteers have. I think we all share the view that the piecemeal amendment process has made some issues and inflexibility. We will hold this issue this year and discuss it with the membership at the meeting.
2. Local Energy Committees. **Comment:** Several groups are working on legislation to authorize these committees. Since these efforts are well underway we will likely monitor, report back, and support this effort.

*(continued on next page)*

3. Enable municipalities to create a Development Review board to handle all quasi-judicial review & free up the Planning Board to do planning. **Comment:** This is a huge issue we all confront and may call for other efforts other than a legislative fix. One concern raised would likely be the response that the Planning Board could create a subcommittee. We would need to explore this after we have considered a “legislative-less” solution.

4. In addition to incorporation of green standards in state bldg code, incorporate measures making the code more friendly to downtown rehab and re-use of historic buildings, particularly those listed on state and national registers. **Comment:** I have to admit that this one may require some education for the author. I do not doubt that this issue is

important and look forward to learning about it so that we can help develop a strategy for this topic.

5. Creation of a dedicated funding source for municipal planning **Comment:** This one hits us all in the wallet and may be the source for a future effort, but in the current economic times and budget woes, it is likely not the right time for this effort. We will keep it in the queue.

6. Change tax structure to support development in urbanized areas and deter development from rural areas. **Comment:** Wow. That is an idea. I think this is beyond me and should be a more inclusive effort, like the rewrite of the RSA idea, requiring greater input from a larger section of the membership.

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## NHPA – LEGISLATIVE RECAP

Clearly, the extensive treatment of major legislative changes made this year is beyond the scope of our newsletter. Instead, I am offering three pieces of advice to try and focus your efforts to stay on top of these changes and where to go for further help and education. There are others and some of these may not be important to you. A list of all the changes that affect us as planners (even beyond planning and zoning laws) can be found at the LGC website here:

<http://www.nhlgc.org/LGCWebSite/Advocacy/Bulletins/2008Bulletin-8.pdf>

The bulletin can be found under the Legislative Advocacy tab on the left side of the main site at [www.nhlgc.org](http://www.nhlgc.org).

### Time Limits for Design Review:

As you may recall, in the 2006 legislative cycle, the importance of the design review process found in RSA 676:4 was impacted by a change in RSA 676:12. This change provided that once notice was provided for a design review phase a new vesting trigger, under RSA 676:12, would attach to the site provided a formal application was submitted within 12 months. Operationally, the legislature gave applicants the ability to “lock in” zoning for up to 12 months with a noticed design review hearing. Several “heavy-thinkers” raised the issue that an ongoing design review process (for which there was no real procedure for closing such a process) could entitle the crafty applicant to a eternal vesting. This change provides the process to close the design review (requiring written notice within 10 days). The bill is Chapter 229 (HB 331).

### Energy:

I just couldn’t resist. Choosing this, however, allows me

to include several bills so I feel justified in its inclusion. Master plans can now address energy. Chapter 269 (SB 422). Outdoor wood boilers are now addressable and can be regulated by municipalities. Many of these appliances have raised great concerns regarding emissions and nuisance concerns. The debate rages on. Chapter 362 (HB 1405). Small wind energy systems can be regulated by municipalities but within circumscribed limits. The NH OEP will be releasing its technical bulletin and an excellent model ordinance – stayed tuned and be ready to regulate (within limits). Chapter 357 (HB 310).

### Growth Management Ordinances (GMO):

I know you expected to see workforce housing here, but enough has been written about these changes already and better people than I have provided insight and guidance on these matters (clearly these are important and significant changes but they are WAY beyond a single paragraph). Changes to the GMO may not be big right now in the current economic whatever-it-is but many ordinances exist and may need to be examined in light of this piece of legislation and now is the time to do it, since what goes down does come up (right?). The changes provide for citizen petition articles for such ordinances as long as the report documenting the conditions is also provided. Annual review is now required by statute. Additional clarification is also provided on the justification of temporary GMOs and the ability to adopt successive versions. Chapter 360 (HB 1260).

### NHPA - Legislative Prospects

This past session we tackled some big issues and were able to participate in delicate matters before the legislature. Overall, it appears that we have continued to gain respect with our

participation by carefully crafting our priorities and clarifying our position, even when it was not uniform. In short, we are being viewed as an association that represents a diverse set of members who are “on the ground” confronting a wide range of challenges for our local governments and our citizens. We have been increasingly consulted on matters that we have not directly involved ourselves in precisely because of our honest and thoughtful approach. But enough about Ben Frost.

Today, we are calling for ideas for this coming session in terms of priorities. Email me [clayaz@comcast.net](mailto:clayaz@comcast.net), yell at me

at the annual meeting, or just leave a message 608-2521 (I never answer my cell phone).

Things to get you started (these are not set in stone, just ideas): Codifying (changing?) the variance standard, anything on Energy – the time is now, and/or any minor concerns you may have regarding process (eg can you get a variance from a special exception requirement?).

Let us know, we await your concerns.

## THREE UPCOMING AND EXCITING OPPORTUNITIES TO EARN CM CREDITS!

### Fall Planning and Zoning Conference

This year the traditional OEP Fall Planning and Zoning Conference is being jointly hosted with the NH Association of Regional Planning Commissions. NHPA, along with many others, is sponsoring the conference.

The Conference will be held on Saturday, October 25th at the Mountain Club at Loon Mountain in Lincoln. This is always a very popular event and space is limited, so please forward your registration and fees as soon as possible. You can also register on-line at [www.nharpc.org](http://www.nharpc.org) to ensure your first choices for sessions. If you have any questions, please call (603) 226-6020 or email [conference@nharpc.org](mailto:conference@nharpc.org).

New this year – four of the conference’s sessions have been approved for CM Credits (1 credit each)!

### NHPA Annual Meeting

Join us on November 7, 2008 to “Build Your Body of Knowledge.” NHPA will host its annual meeting and professional development workshop this year at the Local Government Center in Concord. This year’s professional development workshop will present the many changes in the right to know laws, housing laws, Alteration of Terrain, and the Comprehensive Shoreland Protection Act – with a focus on what these changes mean, particularly for planners. Stay tuned for more information on how to register or visit the NHPA website ([www.nhplanners.org](http://www.nhplanners.org)) for further details. 2 AICP CM Credits are being requested for this session.

### Local Government Center’s Annual Conference (November 12th through the 14th)

This year NHPA is sponsoring two sessions at the NH Local Government Center’s Annual Conference. Additionally, NHPA has received a grant from Northern New England Chapter of the American Planning Association to cover the CM Credit cost of sponsorship. Sessions include:

Wednesday, November 12, 9:30am-11:30am – Nuts and Bolts: News to Use for Local Energy Committees (2 CM Credits requested) and Thursday, November 13, 9:00am-10:15am – Workforce Housing - Complying with the New Law (1.25 CM Credits requested).

Be sure to register for the New Hampshire Municipal Association’s conference at [www.nhlgc.org](http://www.nhlgc.org) to attend these sessions.

