



January 31, 2013

The Honorable Marjorie Porter, Chair
House Municipal & County Government Committee
Legislative Office Building, Room 301
Concord, NH 03301

Subject: HB 347, authorizing cottage housing development as an innovative land use control

Dear Representative Porter:

The New Hampshire Planners Association, representing over 200 land use planning professionals in our state, working at all levels of government and in the private sector, takes this opportunity to express concern regarding HB 347 which would authorize cottage housing development as an innovative land use control under RSA 674:21, as well as provide suggestions for what a community could choose to include within its cottage housing development regulations.

The overall intent of HB 347 is, in our view, both reasonable and laudable, however, we also believe that the bill as presented is too specific and too lengthy to fit within the scope and intent of RSA 674:21.

RSA 674:21 was originally written to give municipalities considerable flexibility in drafting local land use regulations that are tailored to the specific needs of their community. Over the years, more and more “examples” of what constitutes “innovative zoning” have been added. Whether intended or not, every addition to the list of examples tends to work against the original intent of this statute by defining and limiting the flexibility of this very important land use tool. Indeed, we believe that the type of “cottage housing development” promulgated by this bill is encompassed by several of the innovative land use controls *already permitted* under RSA 674:21. Therefore, our suggestion is that your committee recommend that HB 347 be found “inexpedient to legislate”.

However, if the Committee is inclined toward recommending passage, we propose that the whole of the amendment be shortened to a single sentence:

“(o) Cottage housing development that encourages additional housing opportunities for smaller, more efficient housing units that are developed in a compact development pattern.”

This change would serve to specifically include “cottage housing development” as this bill conceives of it on the list of innovative land use controls, but would leave the details of how this concept would be applied to the municipality and, therefore, more comfortably fit within the overall intent of the statute.

Thank you for this opportunity to provide comment on the bill.

Sincerely,

Timothy J. Corwin, Esq.
NHPA Legislative Liaison