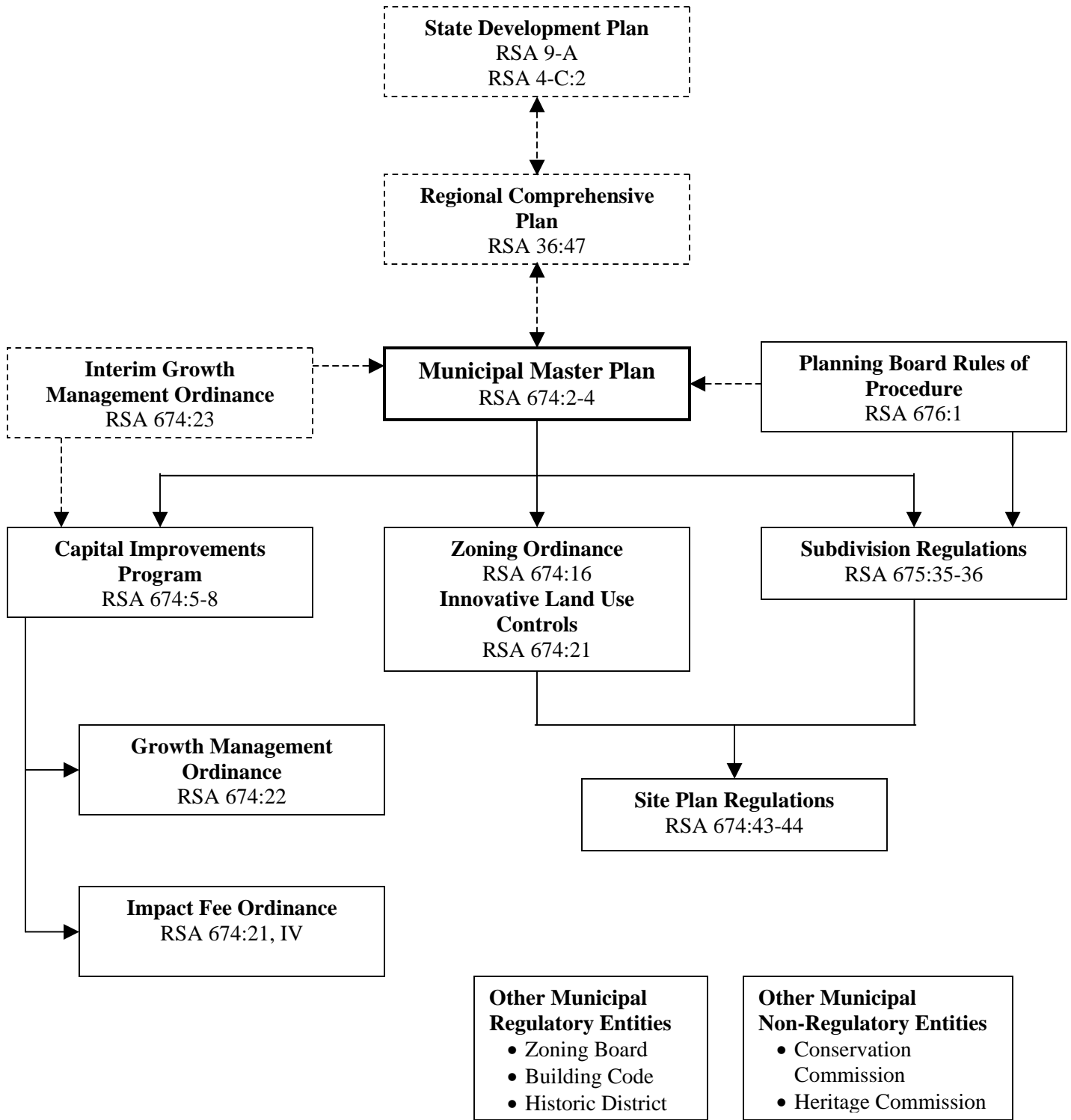


**The Municipal Planning Process and Patchwork of Regulations**  
 Commission to Study Issues Relating to Land Development Regulations  
 September 16, 2008

**The Planning Process in New Hampshire**



## The Patchwork of Municipal Regulations

### Overview<sup>1</sup>

241 Communities in NH – both incorporated and unincorporated places

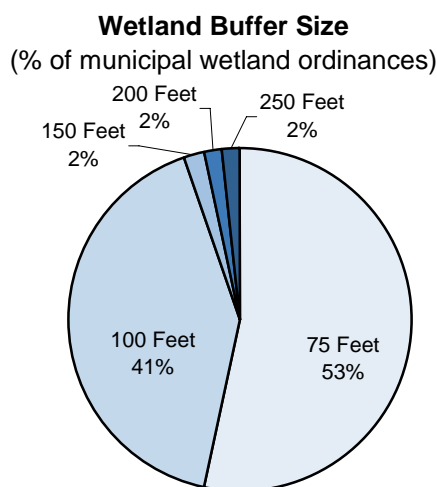
222 Communities have zoning ordinances

Of the 222 with Zoning there are:

- 121 (55%) with Wetlands Ordinances
- 66 (30%) with Wetlands Buffers
- 28 (13%) with Steep Slopes Ordinances
- 69 (31%) with Aquifer Protection Ordinances
- 52 (23%) with Shoreland Protection Ordinances

### Wetlands Ordinances<sup>2</sup>

- Buffers range from 75 to 250 feet from wetlands in municipal ordinances (see chart).
- 69 % of ordinances allow a limited amount of landscape alteration within the buffer’s reach.
- 26% of ordinances require an undisturbed buffer.
- 5% of the ordinances reviewed did not indicate the buffer requirements.



### Groundwater Ordinances<sup>2</sup>

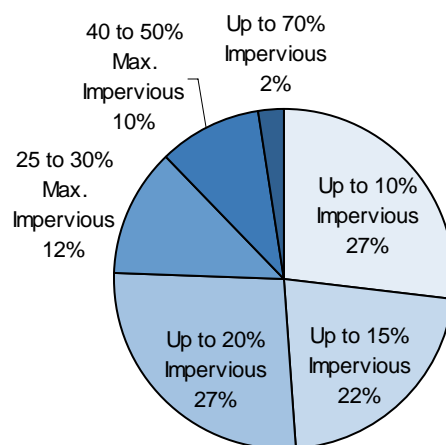
75 Groundwater ordinances including:

- Groundwater ordinances
- Wellhead protection ordinances
- Aquifer protection ordinances

Of the 75 ordinances identified:

- 27 (36%) require Best Management Practices
- 51 (68%) set impervious surface limits (see chart)
- 50 (67%) ban all six “risky” uses (RSA 485-C:12)
- 20 (27%) ban some of the six “risky” uses (RSA 485-C:12)
- 10 (13%) require low impact, planned unit, and/or open space development
- 33 (44%) have some environmental performance standards

**Maximum Impervious Surface Limits**  
(% of municipal groundwater ordinances)



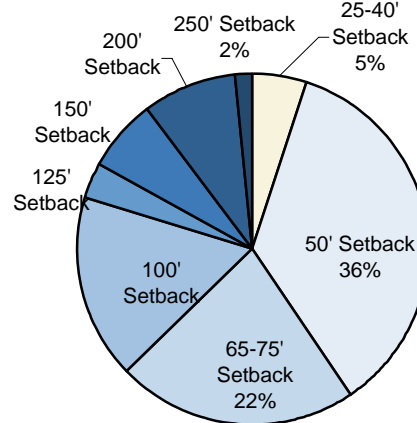
## Shoreland Ordinances<sup>2</sup>

Shoreland protection ordinances come with a variety of names; however, all surveyed here seek to protect surface waters *other* than wetlands.

Of the 76 ordinances identified:

- 58 (76%) have buffers of between 25 and 1,000 feet (250' most common)
- 50 (66%) allow a limited amount of landscape alteration within the buffer's reach
- 18 (24%) have a minimum lot size of between 30,000 SF and 3 acres
- 16 (21%) have a impervious surface limitations of between 5 and 50% (20% most common)
- 64 (84%) have a primary building setback
- 27 (36%) restrict fertilizer use
- 46 (61%) have a septic setback of between 100 and 200 feet (48% of which are 125')
- 25 (33%) have other density restrictions

**Primary Building Setbacks**  
(% of municipal shoreland ordinances)



<sup>1</sup> Source: NH Office of Energy and Planning, Municipal Land Use Regulation Database, February 2008. Information in the database is not all-inclusive and is generated from annual survey responses and the review of updated ordinances submitted to OEP.

<sup>2</sup> Source: NH Department of Environmental Services, Land Protection Database. Data was originally collected and compiled in 2005 by a consultant for DES and has only been partially reviewed and corrected to ensure accuracy. The database was partially updated in 2007 by DES and 2008 updates are underway.

## State-wide Surveys of Municipal Ordinances

### [Municipal Land Use Regulation Database Reports](http://www.nh.gov/oepr/resourcelibrary/referencelibrary/m/mlurdatasereports/index.htm) (OEP)

(<http://www.nh.gov/oepr/resourcelibrary/referencelibrary/m/mlurdatasereports/index.htm>)  
Information presented below is not all-inclusive. It is generated from responses to an annual survey and questionnaire sent to municipalities by OEP, and from the review of updated ordinances and regulations sent to OEP pursuant to [RSA 675:9](#).

#### *General Reports*

- [Municipal Information](#) (such as RPC membership, web site address, regulations available on-line, if they are a "SB2" municipality, 2000 population and ranking)
- [Status of Regulations](#)
- [Status of Planning and Zoning Boards](#)
- [Status of Conservation Commissions](#)
- [Municipal Web Site Addresses](#)
- [Municipalities with on-line regulations](#)
  - [Master Plans on-line](#)
  - [Site Plan Review Regulations on-line](#)
  - [Subdivision Regulations on-line](#)
  - [Zoning Ordinances on-line](#)
  - [Municipal Sewer Systems](#)
- [Elected Planning Boards](#)
- [Elected Zoning Boards](#)
- [Master Plans](#)
- [Capital Improvement Programs](#)
- [Site Plan Review Regulations](#)
- [Subdivision Regulations](#)
- [Zoning Ordinances](#)
  - [Village Districts with Zoning](#)
  - [Towns without Zoning](#)

#### *Municipalities with Specific Zoning Ordinance Provisions*

Information presented below is not all-inclusive. It is generated from responses to an annual survey and questionnaire sent to municipalities by OEP, and from the review of updated ordinances and regulations sent to OEP pursuant to [RSA 675:9](#).

- [Adult Businesses](#) (1/25/07)
- [Aquifer Protection](#) (1/25/07)
- [Conditional Use Permits](#) (1/25/07)
- [Design Review](#) (1/25/07)
- [Elderly Housing](#) (1/25/07)
- [Growth Management and Impact Fees](#) (1/25/07)
- [Growth Management Ordinance or Interim Growth Management Ordinance](#) (1/25/07)
- [Historic Districts](#) (1/25/07)
- [Impact Fees](#) (1/25/07)
- [Outdoor Lighting](#) (1/25/07)
- [Shoreland Protection](#) (1/25/07)

- [Steep Slopes \(1/25/07\)](#)
- [Tax Increment Finance Districts \(1/25/07\)](#)
- [Telecommunications \(1/25/07\)](#)
- [Transfer of Development Rights \(1/25/07\)](#)
- [Wetlands Buffering Requirements \(3/14/07\)](#)
- [Wetlands Protection \(1/25/07\)](#)

**[NH Communities with Designated Prime Wetlands \(DES\)](#)**

(<http://www.des.state.nh.us/wetlands/Guidebook/primewet.htm>)

This list of communities is contained within the DES Wetlands Bureau’s online *Guidebook for Wetlands Permits*. The purpose of the guidebook is to provide property owners, engineers, contractors, consultants, members of conservation commissions, and the public with information about the requirements associated with dredge and fill permits for projects that impact wetlands.

**[NH Towns’ Wetland Buffer Requirements \(Independent Source\)](#)**

([http://www.nh.gov/oep/resourcelibrary/referencelibrary/w/wetlands/documents/wetland\\_buffers\\_chart.pdf](http://www.nh.gov/oep/resourcelibrary/referencelibrary/w/wetlands/documents/wetland_buffers_chart.pdf))

This chart begun by Betsy Janeway, Webster, added onto by Chris Parker, Dover, and now Francie Von Mertens, Peterborough. Accuracy/completeness not guaranteed. Thru various list serves a call went out in 2004 for information from town ConComs and Planning Boards. Responses herewith. Since then, occasional updates and additions have been sent in. This does not represent in any way a thorough inventory of town wetland/shoreland ordinances. (January 2008)

**[Land Use Regulations in New Hampshire \(Gallagher, Callahan & Gartrell, P.C.\)](#)**

(<http://www.hbranh.com/files/uploads/ppahbarriersstudy07.pdf>)

Prepared for the New Hampshire Public Policy Alliance for Housing, The Home Builders and Remodelers Assoc. of New Hampshire, and the New Hampshire Housing Finance Authority, January 2007. This study creates baseline comparisons of local land use regulations in New Hampshire and provides analyses of how regulations across communities and regions within the state relate to various economic measures. A total of 114 communities located within 9 of New Hampshire’s 27 Labor Market Areas were selected for the survey.

**Regional Surveys of Municipal Ordinances**

**Central NH Regional Planning Commission**

No comprehensive inventory of ordinances available at this time.

**Lakes Region Planning Commission**

No comprehensive inventory of ordinances available at this time.

**Nashua Regional Planning Commission**

NRPC maintains a spreadsheet that reviews and catalogues the following attributes of each municipality’s regulations and ordinances:

- Wetlands
- Floodplains

- Aquifers and groundwater
- Shoreland protection
- On-site wastewater treatment
- Wellhead protection
- Stormwater
- Slopes
- Watershed protection

### **Region-wide Buildout Impact Analysis**

[http://www.nashuarpc.org/publications/landuse/Regionwide\\_buildout\\_final.pdf](http://www.nashuarpc.org/publications/landuse/Regionwide_buildout_final.pdf)

### **North Country Council**

No comprehensive inventory of ordinances available at this time.

### **Rockingham Planning Commission**

RPC has prepared community assessments of its communities that fall within the I-93 corridor as part of its CTAP work with the Department of Transportation.

As part of the NH Estuaries Program, RPC will be preparing a database of municipal regulations and ordinances within the Piscataqua and Coastal Watershed.

### **Southern NH Planning Commission**

#### **A Summary of Adopted Growth Management Ordinances**

([http://www.snhpc.org/pg\\_pdfs/SNHPC\\_GMOs\\_8\\_2005.pdf](http://www.snhpc.org/pg_pdfs/SNHPC_GMOs_8_2005.pdf))

This summary identifies and discusses the various forms of growth management regulations and ordinances that have been adopted by municipalities within the Southern New Hampshire Planning Region.

#### **Overview and Comparison of Impact Fee Ordinances**

([http://www.snhpc.org/pg\\_pdfs/ImpactFeeOrdRpt.pdf](http://www.snhpc.org/pg_pdfs/ImpactFeeOrdRpt.pdf))

This Report provides an overview of the Impact Fee concept, discusses the State law that enables creation of an Impact Fee Ordinance, and reviews and compares impact fee ordinances across the region.

#### **Mixed-Use Development Ordinances: A Summary of Mixed-Use Zoning**

([http://www.snhpc.org/pg\\_pdfs/mixed\\_use\\_report06.pdf](http://www.snhpc.org/pg_pdfs/mixed_use_report06.pdf))

This report, prepared in January 2006 discusses mixed-use zoning – what it means and how it is being implemented within the Southern New Hampshire planning region.

### **Southwest Regional Planning Commission**

No comprehensive inventory of ordinances available at this time.

### **Strafford Regional Planning Commission**

SRPC in 2006 reviewed municipal ordinances and has compiled a spreadsheet that reviews and catalogues the following attributes of each municipality's regulations and ordinances:

- Cluster, open space, and conservation subdivision

- Wellhead, groundwater, and aquifer protection
- Erosion and sediment control
- Stormwater management
- Wetland protection district
- Shoreland protection districts

### Upper Valley Lake Sunapee Regional Planning Commission

UVLSRPC has a database of municipal ordinances, completed several years ago, archived within it's "zoning notebook" in it's library.

## Efforts to Achieve Consistency

### [Innovative Land Use Planning Techniques Handbook](#) (RPCs, DES, OEP)

(<http://www.des.nh.gov/repp/index.asp?go=ilupth>)

To address the need for guidance and technical assistance on Innovative Land Use Controls authorized by [RSA 674:21](#), the New Hampshire Regional Environmental Planning Program (REPP) is producing a guide with model ordinances and regulations on a number of innovative land use techniques. The list below is a complete list of topics to be addressed in the guide. Clickable links are provided for chapters in final draft form available for use in New Hampshire towns. Please note that chapter layout and graphics may not be complete.

#### *Chapters Available in Draft*

#### Multi-Density Zoning

- [Density Transfer Credit](#)
- [Lot Size Averaging](#)
- [Feature-based Density](#)
- [Conservation Subdivision](#)
- [Village Plan Alternative Subdivision](#)
- [Infill Development](#)
- [Agriculture Incentive Zoning](#)
- [Urban Growth Boundary and Urban Service District](#)
- [Inclusionary Housing](#)

#### Environmental Characteristics Zoning

- [Stormwater Management](#)
- [Steep Slopes and Ridgeline Protection](#)
- [Wildlife Habitat Management](#)

#### Water Resources Protection

- [Wetlands Protection](#)
- [Drinking water](#)
- [Shoreland and riparian areas](#)
- [Flood Hazard Area Zoning](#)
- [Erosion and sediment control](#)

#### Site-Level Design

- [Transit-oriented Development](#)
- [Pedestrian Oriented Development](#)
- [Access Management](#)
- [Dark Skies Lighting](#)
- [Energy-efficient Development](#)
- [Landscaping Regulations](#)