



Annual Fall Planning and Zoning Conference

Saturday, October 17, 2009, 7:45 a.m. - 3:30 p.m.
Mountain Club on Loon, Lincoln, NH

CONFERENCE AGENDA

7:45 - 8:30 - Registration and Continental Breakfast

8:30 - 9:00 Welcome and Orientation

9:00 - 10:15 - Concurrent Sessions

Basics For Planning and Zoning Board Members Lafayette Room

- Cordell A. Johnston, Esquire, Government Affairs Attorney, NH Local Government Center

Has your municipality been wondering about rules of procedure, conflict of interest, the right-to-know law, conducting public hearings and meetings? This session will cover topics relevant to planning boards and zoning boards of adjustment and the inter-relationship between both boards. It is important for all boards to know the parameters of their jurisdiction and the opportunities they have to work with the "other" board to provide a smooth and efficient process.

"Grandfathered," the Law of Nonconforming Uses Hancock Room

- H. Bernard Waugh, Jr., Esquire, Gardner, Fulton and Waugh, Lebanon, NH

What are the constitutional roots of "Grandfathering"? Who decides what is "Grandfathered"? How do "grandfathered" rights fit in with variances and site plan review? Attorney Bernie Waugh will discuss all these issues and more in this session.

Roads Law Kinsman Room

- Paul Sanderson, Esquire, Staff Attorney, NH Local Government Center

Does your municipality have questions about State laws regarding local highways, streets and trails? This session will guide you through statutes and case law and sort through many of the complex legal questions involved with municipal highways.

10:15 - 10:30 - Coffee Break

10:30 - 11:45 - Concurrent Sessions

Planning Board Roles and Responsibilities Hancock Room

- Kenneth Ortmann, Director, Planning and Development, City of Rochester, NH
- Matt Monahan, Regional Planner, Central NH Regional Planning Commission

Planning, subdivisions, and site plans - do you have trouble keeping it all straight? This session is designed with you in mind. Join the session for a review of the relationship between zoning, subdivision, and site plan review, and last, but certainly not least, the master plan. Learn the fundamentals of these basic tools of the planning process and how you can become a more effective board member.

Workforce Housing: Assessing Your Regulations and Economic Viability ... Lafayette Room

- Mark Fougere, AICP, President, Fougere Planning & Development, Inc., Milford, NH
- Steven B. Keach, P.E., President, Keach-Nordstrom Associates, Inc., Bedford, NH

How do planning boards determine the "collective impact" of their land use regulations and allow a reasonable and realistic opportunity to develop workforce housing? How do land use boards assess the economic viability of a development and the impact of specific conditions of approval on development costs? Mark and Steve will present the work that their team has completed to develop guidance for local boards as part of a handbook being created by New Hampshire Housing.

Regulating Wind Turbines: HB310 Revisited **Kinsman Room**

- Eric Steltzer, Energy Policy Analyst, NH Office of Energy and Planning

Is your town thinking about adopting a small wind energy ordinance? In 2008, the State Legislature passed HB310, creating a framework for municipalities to regulate small wind energy systems. In this session we will take a look back on how municipalities have begun to implement the statute, identify the success stories and opportunities for improvement, and discuss future directions.

11:45 - 12:45 Lunch

12:45 - 2:00 - Concurrent Sessions

The ZBA Decision Making Process **Kinsman Room**

- Christopher L. Boldt, Esquire, Donahue, Tucker & Ciandella, PLLC, Portsmouth, NH

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 have to decide right then and there? What if you only have 4 members present? Can you include conditions? Do you vote on each of the criteria separately? Do you have to vote on anything at all? If these and other questions have plagued your board, this is the session for you. Come and hear Chris Boldt sort it all out for you.

Site Plan Regulations in Depth **Lafayette Room**

- Craig Wheeler, Director, Development Services, City of Somersworth, NH

Is your community ready for commercial development and it's challenges? What constitutes "good" site plan regulations? What are other communities experiencing with site plan reviews? When should site plan review powers be invoked? And how can your town effectively guide the site plan review process? Craig Wheeler from the City of Somersworth will discuss these issues and present detailed case studies comparing site plan submissions with the "as built" for successful, and less successful, project submissions. This will indeed be an "in depth" session on site plan regulations and their practical application.

Legal Update (Double Session) **Hancock Room**

- Benjamin D. Frost, Esquire, AICP, New Hampshire Housing, Bedford, NH

Another busy time in the courts and legislature! This double session will discuss the legislative updates and what's happening in our Supreme Court on planning and zoning issues and the impact of these rulings on local land use regulations. Don't miss this opportunity to hear Ben provide a heads-up on some of the legislative changes that have occurred which affect the responsibilities of both the planning board and zoning board of adjustment.

2:00 - 2:15 - Coffee Break

2:15 - 3:30 - Concurrent Sessions

Roles of the Zoning Board of Adjustment **Lafayette Room**

- Susan Slack, Attorney at Law, PLLC, Wolfeboro, NH

Need help figuring out your duties as a ZBA board member? The major powers of a ZBA - administrative appeals, special exceptions and variances - will be discussed, including changes made to the unnecessary hardship standard for variances, which will take effect January 1, 2010. The distinctions among the different types of appeals will be discussed, as will guidelines to follow in decision-making. Learn about the role of the ZBA and its relationship to the duties of the planning board.

Green Building Standards for Zoning **Kinsman Room**

- John L. McGowan, Esquire., LEED AP, Donahue, Tucker & Ciandella, PLLC, Exeter, NH

Is your municipality looking for ways to encourage energy efficiency and sustainable development? This session will focus on the third-party, green building standards available in the marketplace and offer suggestions on how your community may be able to incorporate aspects of them into your building codes and land use regulations.