

DEERFIELD PLANNING BOARD
DEERFIELD, NEW HAMPSHIRE
FEBRUARY 12, 2020

MINUTES OF MEETING

PRESENT; Peter Schibbelhute, Selectmen's Representative Fred McGarry, William Perron, Robert Cote. Also present Cameron Prolman, SNHPC, and Jane Boucher, secretary.

7PM Chair Peter Schibbelhute called the meeting to order.

APPROVAL OF MANIFEST

William Perron moved and Robert Cote seconded to approve the manifest. (two time sheets for Jane Boucher 20 hours and 18 hours). Voted in favor.

APPROVAL OF MINUTES

Fred McGarry moved to approve the minutes of January 22, 2020. Robert Cote seconded. The following corrections were made to the minutes

.Page 1 Paragraph 9: Correct to read "...used to work for the GSA...."

. Page 2 Paragraph 3: Correct to read "...matting will be used."

Voted in favor.

RELEASE OF BONDS/EVERSOURCE

Copies of inspection reports from Jeff Quirk, KNA, for C129 structures and Line 373/385/ and 391 were reviewed by the Board. Bonds in the amount of \$10,000.00 were being held for each location. Mr. Quirk's report indicated that work had been completed for both.

Robert Cote noted that he had spoken with workers at the Line 373/385/391 site regarding an apple tree which he said was on his property and should not be removed.

Fred McGarry moved and William Perron seconded to approve the release of a bond in the amount of \$10,000 being held for the C129 Structure site. Voted in favor.

7:15PM JEANNE MENARD DISCUSSION/HOUSE BILL 1632 AND HOUSE BILL 1629/AFFORDABLE HOUSING; COMMUNITY CONVERSATION
Jeanne Menard was present.

Jeanne Menard said she was here to start having conversation about affordable housing. She added that she did not have any of the answers. Ms. Menard noted that she felt that housing shortages for both rentals and purchases. She said that the medium value for a home in Rockingham County is \$300,000. In 1992 it was at \$127,000. Ms. Menard referred to two bills,

House Bill 1629 and House Bill 1632. She said that she believed with House Bill 1632 was a little premature in needing to take action. She noted that she contacted Noah Hodgett from the Office of Strategic Planning, who was involved in the crafting of this bill. She said it seemed like there were going to be anything that would be creative toward affordable housing involvement in smaller communities. Ms. Menard said Mr. Hodgett felt that, as a committee, they had raised that issue and that amendments that will come out of this bill will have that in mind.

The second House Bill 1629 which was specific to governing Planning Boards . She referred to 4b "If a municipality allows an increased density, reduced lot size, expedited approval, or other dimensional or procedural incentive under this section for the development of housing for older persons, as defined and regulated pursuant to RSA 354-A:15 . it shall allow the same incentive for the development of all other types of housing development. Beginning January 1, 2021, incentives established for housing for older persons shall be deemed applicable to all types of housing development, regardless of whether a local land use ordinance or regulation specifically provides for their application to all types of housing development."

Ms. Menard said she is not an expert on these bills but felt that starting down a path and starting conversation in Deerfield.

Peter Schibbelhute questioned cost of a three acre lot in Deerfield. Ms. Menard replied that the average value is \$75,000 range.

Robert Cote questioned where the Bills are currently in the legislative process. Ms. Menard replied that House Bill 1632 is in committee and supposed to be out of committee on 2/13/20.

Cameron Prolman said that House Bill 1629 is in Executive Session in the sub committee session today.

Mr. Prolman provided a memo outlining the House Bills. A copy is attached to these minutes.

Fred McGarry commented that technically House Bill 1632 will basically throw out our current zoning on Senior housing.

Jeanne Menard said that her motivation is to start conversation while these bills are in committee and create housing that what will work in Deerfield

Fred McGarry said that the language presented opens the door

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for every community in the State to throw out any existing ordinances.

Jeanne Menard agreed noting that she was not here to push this legislation but to create conversation.

7:45PM William Perron moved to adjourn. Fred McGarry seconded. Voted in favor.

Recorded and transcribed by Jane Boucher
Pending Approval by the Planning Board



TOWN OF DEERFIELD, NEW HAMPSHIRE

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Memorandum

To: Deerfield Planning Board
From: Cam Prolman, SNHPC Representing Deerfield Town Planner
Re: Planning Board Meeting for February 12, 2020
Date: February 12, 2020

New Hampshire House Bills Concerning Land Use Boards

The following memo highlights two House Bills addressing affordable housing in New Hampshire, and which could impact local land use boards such as the Deerfield Planning Board. Much of this information was gathered from the NH Municipal Association (NHMA).

HB 1629

Introduced 01/08/2020 and referred to Municipal and County Government

Public Hearing: 01/21/2020 09:30 am LOB 301-303

Subcommittee Work Session: 01/22/2020 03:00 pm LOB 301

Subcommittee Work Session: 01/29/2020 03:00 pm LOB 301

Subcommittee Work Session: 02/04/2020 02:00 pm LOB 301

Full Committee Work Session: 02/05/2020 01:00 pm LOB 301

Subcommittee Work Session: 02/05/2020 02:00 pm LOB 301

Executive Session: 02/12/2020 10:30 am LOB 301

Subcommittee Work Session: 02/12/2020 10:00 am LOB 301

HB 1629 proposes numerous changes to the planning and zoning statutes. These include:

- requiring all new planning and zoning board members to receive training and pass a test developed by the Office of Strategic Initiatives within a year after assuming office;
- requiring that all fees charged by a municipality for land use applications be published in an accessible location;
- requiring a municipality to allow a density bonus for all types of housing if it allows such a bonus for elderly housing;
- allowing a municipality to make inclusionary zoning mandatory;
- requiring boards to provide specific written findings of fact to support any disapproval of an application;
- requiring the ZBA to approve or disapprove an application within 90 days of receipt;
- eliminating the planning board's ability to extend the existing 65-day deadline for approving or disapproving a completed application;
- giving appeals from planning and zoning board decisions priority on the superior court's calendar and requiring the court to issue a final decision within 120 days;
- allowing the court to require an appealing party to file a bond to indemnify the appellee from damages that may be sustained in case the decision is affirmed; and
- allowing the court to award attorney fees and costs to the prevailing party.

The following is an excerpt from NHMA:

"Our primary concern—and source of opposition—is the provision in HB 1629 requiring land use board members to complete mandatory training and pass a test. Under the current language in the bill, board members who do not fulfill the training and testing requirements are prohibited from voting on an application.

NHMA believes in the importance of training for all municipal officials; this is a huge component of the services we provide to our members. We also support the state's providing more resources and support to municipal officials. But land use board members, like most who serve in local government, are volunteers. Requiring them to meet a certain educational standard and pass a test is an unrealistic burden and is very likely to reduce volunteerism, an issue that already exists in many communities.

At the hearing, the proposed training was described as "enhancing local control." However, mandated training that would disqualify a duly appointed or elected land use board member from performing his or her duties is an erosion of local control; it is also not a solution to New Hampshire's low vacancy rates. Preventing board members from voting on an application will also create situations where land use boards cannot meet a quorum and act on an application, delaying the approval process for a development—a result that runs counter to the goals of the legislation."

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HB 1632 would provide financial incentives for affordable housing and allow municipalities to expand some existing programs to provide further incentives. These include:

- allowing the use of tax increment finance (TIF) districts for the construction of affordable housing;
- allowing a longer period of tax relief for affordable housing development under RSA 79-E, the community revitalization tax relief incentive;
- creating a business profits tax deduction for income derived from construction of affordable housing;
- reducing the real estate transfer tax for first-time home buyers; and
- creating a "New Hampshire housing champion" program under which business profits tax revenue derived from affordable housing in a municipality would be distributed to that municipality if it has adopted certain land use provisions that promote the development of affordable housing.

The following is an excerpt from NHMA:

HB 1632 creates various affordable housing incentives, none of which appear harmful to municipalities, and some of which may create helpful tools for towns and cities. However, we would like to see more incentives that flow directly to municipalities, and we were grateful that some committee members mentioned other roadblocks affecting housing and development, such as municipal infrastructure needs, including water and sewer systems.

The committee has formed a subcommittee to work on these bills. The subcommittee met on Wednesday, and its members appear to agree that mandatory training is not a good idea. That issue is still alive, but the subcommittee seems to be moving in a good direction.

The subcommittee also discussed another of our concerns, the provision in HB 1629 stating that if a municipality allows increased density or other incentives for elderly housing developments, it must allow the same incentives for all other types of housing development. It was suggested, and the subcommittee seemed to agree, that this should be changed so that the required allowance would be only for workforce housing, not for all housing, given that workforce housing is the point of the bill. There is no reason to force municipalities to create incentives for luxury housing—the real estate market already provides plenty of incentives.