

# TOWN OF EAST KINGSTON PLANNING BOARD

## MEETING MINUTES

September 15, 2022

Pound School  
41 Depot Road  
East Kingston, New Hampshire

Josh Bath, Chair  
Tim Allen, Vice Chair  
7:00PM

### AGENDA

#### HB1661 Follow Up

Board Members present: Josh Bath – Chair, Tim Allen – Vice Chair, Rob Caron – Ex-Officio, Dr. Robert Marston and Janet Smith (7:20pm).

Others Present: Julie LaBranche – Planning Consultant, EK Fire Department Lieutenant Tom Sturgis (7:08pm).

Chairman Bath opened the September 15, 2022 Planning Board meeting at 7:00pm followed by the roll call. He noted there were no public hearings scheduled for this evening.

#### HB1611 FOLLOW UP

Planner LaBranche briefed the board on House Bill 1611 as it relates to workforce housing in that if a community has an elderly housing ordinance on the books which offers incentives for development, those same incentives will apply to workforce housing development as of July 2023. She noted the process for workforce housing is the same as elderly housing development, however, the definitions are not and should be reviewed carefully. The new law is very open-ended; thus, the board should consider defining its own ordinances to address it. The Rockingham Planning Commission will be releasing a housing needs assessment report (expected in December) which will include housing stock calculations by town. This report will determine East Kingston's expected fair share of workforce housing units/dwellings. The area median income will also play a factor in what constitutes affordable housing. The New Hampshire Housing Finance Authority defines affordable housing as:

Workforce housing -- housing that's "affordable" for:

- Renter family of 3 making 60% of Area Median Income.
- Owner family of 4 making 100% of Area Median Income.
- Does not include age-restricted housing.
- Does not include developments with >50% of units having less than 2 bedrooms.

Affordable-no more than 30% of income should be spent on housing (rent+ utilities; or mortgage principal and interest, taxes, and insurance).

Reasonable and realistic opportunities

- Economically viable workforce housing.
- Collective impact of land use ordinances and regulations.
- Natural features and market considerations may be beyond the control of a municipality.

Multi-family housing-5 or more dwelling units.

Planner LaBranche then stated the town has to determine how best to advance this housing initiative. Options include:

1. Make revisions to the elderly housing ordinance with respect to development incentives. Incentives should be reviewed and determinations should be made on whether or not to revise them because as of July 2023, those incentives will apply to workforce housing.
2. Eliminate the elderly housing ordinance all together and start over the following year to craft something that makes sense. – The town has already maxed out with elderly housing developments.

Discussion ensued on the advantages to eliminating the elderly housing ordinance. All incentives in that ordinance will apply to workforce housing, housing needs assessment report to be released in December which will contain important housing data for crafting a new workforce housing ordinance. The growth control ordinance is also in play. Alternatively, the ordinances can be left on the books and specific revisions can be targeted in the areas/provisions of concern.

Planner LaBranche recommended the board review the elderly housing ordinance between now and the next meeting and flag anything that would be concerning should it be applied to workforce housing. Comments and questions should be sent to her and the land board secretary so that they can be compiled for discussion at the October board meeting. She then noted the board may wish to create a two-person subcommittee to address those items in the ordinance. She also noted that there is a timing issue with relation to the release of the housing needs assessment report (December) and the annual town meeting calendar to get amendments to the ordinances on the ballot.

Discussion ensued on the structure of the two ordinances (elderly housing/workforce housing) in that they are basically the same procedurally, and they each stipulate allowable living space. On the topic of living space, a new movement on tiny homes (homes with less than 400 square feet of living space) is on the rise. This may be something the board may consider addressing in the future as it would allow individuals to own their own property with minimal footprint.

Planner LaBranche then introduced three grant opportunities from New Hampshire Housing as part of the governor's \$100 million InvestNH initiative whereby \$5 million has been allocated to provide grants to municipalities to analyze and update their land use regulations to help increase housing development opportunities.

1. Needs Analysis and Planning. Grants will be made to cities and towns for the purpose of hiring consultants for the following purposes (up to \$25,000 each):
  - Understanding and mapping housing, income, and demographic data, including housing market costs, housing units needed to meet future expected growth in a municipality and the region, and the affordability of a municipality's housing for all income ranges;
  - Reviewing the existing master plan to identify portions that conflict with or pose a barrier to housing development, and drafting master plan revisions to address those barriers; and
  - Community engagement efforts to support the development and adoption of master plan revisions (these efforts must involve UNHCE).

Communities seeking a grant for data compilation and analysis should first utilize their regional planning commission's regional housing needs assessment. Then, use the assessment to identify data gaps or additional information that would be useful for the community's planning efforts, for which these grants could be used.

2. Regulatory Audits. Grants will be made to municipalities for the purpose of hiring consultants to audit the municipality's land use regulations and make recommendations for changes to promote housing development. Regulations to be evaluated may include, but are not limited to, zoning, subdivision regulations, site plan regulations, any provisions adopted under RSA 674:21 that are related to or impact on housing development, local building codes, and local tax incentives, including RSA 79-E (up to \$50,000 each).

The audits may be structured to do any of the following tasks (these tasks are intended to be illustrative, not exclusive):

- Identify barriers to housing development that may exist in standards or processes;
- Identify outdated regulatory schemes;
- Specify changes to existing regulations;
- Identify opportunities for new regulations;
- Cross-reference different regulations to ensure that they are not in conflict.

3. **Regulatory Development.** Grants will be made to cities and towns for the purpose of hiring consultants to create new regulations or revise existing regulations with the stated primary goal of increasing the supply of housing in the community (up to \$100,000 each).

Regulations to be created or revised may include, but are not limited to: Zoning; Subdivision regulations; Site plan regulations; any provisions adopted under RSA 674:21 that are related to or impact upon housing development; local building codes; and local tax incentives, including RSA 79-E.

Grants for these purposes must be accompanied by a community engagement effort, which may rely on current or prior community engagement work. Communities must commit to making a good faith effort to bring regulatory changes to a formal vote for adoption.

Planner LaBranche indicated there are no match requirements for these grant opportunities and that as an eligible consultant for the program, she would be willing to provide services associated with any of these grant opportunities. The grants may be applied for in advance of work that could take a year to complete if done in phases as the grants appear to build off of one another.

Board members opined that this was free money to help the town assess and develop future regulations that do need to be updated. It was noted the grant monies are to be used for housing-oriented purposes. A suggestion was made to secure an outside consultant to facilitate these phases to allow for a fresh set of eyes on the town's regulations. High density area impacts to schools and emergency services were noted as was the fact that any amendments to the zoning ordinance must be approved by the voters. The point of the grants is to further advance the governor's commitment to create more affordable workforce housing in the state and that it would be important to ascertain the voters' and town department head's input on incorporating these initiatives which could be done through the first grant process.

Discussion then ensued on the application process and on how much money to request for the grants and who would be responsible for applying for the grants. By general consent, the board will apply for \$20k each for grants one and two, and \$30k for number three. Planner LaBranche noted that her services to apply for the grants would be charged toward her eight-hour monthly service allotment; however, should she be chosen as the consultant for the grants, she would apply for them at no cost to the town. Additionally, she would forward to the board the application and list of eligible consultants.

**MOTION: Vice Chairman Allen motioned to authorize Chairman Bath to work with the consultant and town representative (to be determined) to apply for the NH Housing grant opportunities for the three subsections (Needs Assessment - \$20k, Regulatory Audit - \$20k, and Regulatory Development - \$30k). Mr. Caron seconded. The motioned passed 4-0-0.**

## **RULES OF PROCEDURES**

This item was tabled to the October meeting. A draft is to be sent to board members with feedback provided in time for incorporating into the final draft for the meeting.

## **MEETING MINUTES**

The board reviewed the August 18, 2022 meeting minutes.

**MOTION: Mr. Caron motioned to approve the August 18, 2022 meeting minutes as presented. Mrs. Smith seconded.**

Discussion: Planner LaBranche noted that the board's communication to the selectmen regarding the home occupation case noted should include findings of fact pursuant to the newly passed law. She explained the board is to provide specific findings with respect to how the application meets the regulations and, in the case of denials, describe how the application does not meet the standard of the regulations so that a reviewing court knows the reasons and the applicant has instructions should they wish to re-apply.

It was noted this provision was not yet in effect at the time of the August 18<sup>th</sup> meeting and that the board was anticipating written findings procedural steps from Planner LaBranche for incorporating into the board's processes. This item to be placed on the October meeting's agenda.

**VOTE: The motioned passed 4-0-0.**

Also noted for the October meeting were proposed changes to the subdivision and site plan review regulations with respect to posting public hearing notices versus publication in the newspaper. Board members were provided a copy of those changes for consideration. Planner LaBranche would also review and provide proposed language changes with respect to HB1611 procedures.

With no other business before the board,

**MOTION: Dr. Marston motioned to adjourn the meeting; seconded by Chairman Bath. The motion passed 4-0-0.**

The meeting adjourned at 9:06pm.

Respectfully submitted,

Catherine Belcher

Land Board Secretary

Minutes approved on October 20, 2022.