



RPC News & Notes

Newsletter of the Rockingham Planning Commission

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SB 95 Stirs the Pot

Senate Bill 95, a measure related to the development of Workforce Housing currently being debated by the legislature, has created quite a stir among some of the region's communities – not to mention dominating the conversation on Plan Link of late. The bill, IF it becomes law, would among other things:

- ??establish a municipal workforce housing obligation – not a number but the general obligation to provide 'realistic opportunities for the siting of workforce housing, including multifamily housing...'
- ??require that "workforce housing" be permitted in the majority of land zoned for residential or mix-use purposes;
- ??provide for the direct appeal to (and potential summary judgment from) the superior court for workforce housing development proposals denied (or approved with restrictions that would make them not viable);
- ??require the court to grant the appeal if municipal denial of a development proposal is found to constitute a failure to comply with the workforce housing requirements;
- ??require the court to deny the appeal if the municipality establishes that the proposed development fails to comply with necessary standards relative to water supply, sewage disposal, wetlands, traffic safety, fire safety, architectural consistency or buffering; OR that the denial by the municipality is necessary for other 'substantial public interests';
- ??reaffirm and further define the regional planning commission's existing obligation to prepare a regional housing needs assessment, which must include the regional need for 'workforce housing' based on a standard methodology developed by OSP and NHHFA.
- ??require regional planning commissions to review local land use regulations, regarding compliance with these workforce housing requirements (within 6 months of a request and subject to availability of funding);
- ??redefine the term "inclusionary housing" to allow communities to require some portion of development to include workforce housing.

Although SB-95 has been described as an attempt to 'codify' existing case law established by *Britton v. Chester*, it clearly has the potential to have a far greater effect than the Chester decision ever did. It reads as though municipal land use regulations are the only meaningful influencer of housing costs – when clearly that is not the case. Density is the key to building more affordable housing. The challenge is finding how to accommodate density in our region, where most communities lack municipal sewer and water systems.

It is important to note that SB95 is not law at this point. The bill was introduced in the 2003 session (based on a report from the Legislature's Affordable Housing Commission), and was retained by the the Municipal and County Governments Committee earlier this year. Hearings and work sessions occurred over the fall and summer. The bill must be reported out by December 3rd. At the request of several communities, the RPC will be sponsoring a regional meeting to discuss the bill in more detail. We expect to do this in mid December, following the report by the Committee. Contact Maura Carriel or Cliff Sinnott for more information. For full text of the bill on the state website, go to: www.gencourt.state.nh.us/legislation/2003/SB0095.html.

2003 CDFA SEED Capacity Grant Work Nearing Completion

The RPC is nearing completion of this calendar year's work effort on the Community Development Finance Authority (CDFA) SEED Capacity Grant and work products will be available to community officials, planners, interested businesses and non-profits in early January 2004. Among other projects under this year's contract, the RPC once again coordinated with the Rockingham Economic Development Corporation on the update to the County's CEDS, is continuing with town-level economic development related data collection, including a tracking of real estate sales transactions, and is coordinating with other CDFA fund recipients to inventory and map licensed child-care and assisted housing facilities.

Products from previous years' SEED grant projects are available at the New Hampshire Association of Regional Planning Commission website: www.nharpc.org. 2003 work products will be added to the site in January 2004.

Round 7 of TE/CMAQ Program Yields Excellent Proposals

The RPC and the region's two Metropolitan Planning Organizations (MPOs) recently completed evaluation and ranking of community proposals for the 7th round of federal Transportation Enhancement (TE) and Congestion Mitigation Air Quality (CMAQ) funding. The two programs are the main sources of funding for alternative transportation projects in the state, such as sidewalks, bikeways, transit service, and ridesharing. CMAQ proposals were reviewed by the MPOs, while TE applications were reviewed by the RPC Commissioners.

A total of six applications were received for TE funding, including sidewalk improvement proposals from the towns of Sandown, Exeter, and Newfields; a bike path at Pease Tradeport forming part of the Great Bay Bicycle Loop, and applications from the nonprofit group Seacoast Area Bicycle Routes (SABR) to establish a regional bike safety education program, and post "Share the Road" signs on regional bicycle routes.

The Salem-Plaistow-Windham MPO received five applications for CMAQ funding, including expanded Boston-bound commuter bus service on I-93 in conjunction with the I-93 widening project, development of segments of the proposed Salem-Concord rail trail in Windham and Salem, establishment of a Transportation Management Association (TMA) serving major employers in Salem, and transit service between Derry and Salem proposed in the Derry-Salem regional transit study.

The Seacoast MPO received ten applications for CMAQ funding, including a series of shoulder bicycle routes, expanded marketing of alternatives to commuting alone in the Seacoast region, replacement of older diesel buses operated by Wildcat Transit with efficient CNG hybrid models, and incentives for public and private organizations to replace gas/diesel vehicle fleets with alternative fuel vehicles.

For a summary of all proposals received and the rankings assigned by the RPC and MPOs, visit the RPC website at: www.rpc-nh.org. Proposals will be reviewed by NHDOT during October-February, with public hearings to be held in

