

## **1400. GROWTH MANAGEMENT ORDINANCE**

### **1401. Purpose**

Based on the Master Plan, which assesses, and balances community development needs and considers regional development needs, the following Ordinance is deemed necessary to manage the rate of growth in the Town of Brookline for the following purposes:

1. To allow the Town the opportunity to evaluate, develop and implement a plan for increases in school facilities and services in an efficient manner to address critical issues, including but limited to:
  - a. Growing enrollment (2017 - 2021 District Enrollment Increased 14.2%)
  - b. Providing adequate class space for Special Needs students within the District
  - c. Addressing the overall lack of space for educational needs
2. To allow the Town the opportunity to evaluate, develop and implement a plan for increases in Town services in an efficient manner; and
3. To ensure that Brookline receives its fair share of the regional population growth.

### **1402.00 Authority**

This Ordinance is adopted as a growth management ordinance under RSA 674:22 II which grants the powers to regulate and control the timing of development.

### **1403.00 Applicability**

This Ordinance shall apply to all lots within the Town of Brookline, except for those lots used expressly for and in accordance with RSA 354-A:15 and the Town of Brookline Zoning and Land Use Ordinance, Section 2200, Housing for Older Persons.

### **1404.00 Definitions**

Applicant: The owner of a lot seeking a building permit.

Building Permit: A building permit obtained for the construction of a dwelling unit. This ordinance does not apply to non-residential building permits or permits for expansion or alteration of existing structures that do not result in new dwelling units.

Calendar Year: January 1 to December 31

NRPC Region Average Growth Rate: Nashua Regional Planning Agency population growth rate calculated annually across the following towns: Amherst, Brookline, Hollis, Hudson, Litchfield, Lyndeborough, Mason, Merrimack, Milford, Mont Vernon, Nashua, Pelham, and Wilton

### **1405.00 Requirements**

1. Any subdivision or site plan involving housing units approved during the effective period of this ordinance shall be a Phased Development.

2. Building permits shall be distributed in April and October. Beginning on April 15, 50% of the total available permits may be issued for that calendar year. Beginning on October 15 the remaining building permits for that calendar year may be issued. Every applicant may be issued one (1) building permit until the total available number of permits for that period have been issued. Applications for building permits issued beginning on April 15 shall be received no later than March 15. Applications for building permits issued beginning on October 15 shall be received no later than September 15. If, after the issuance period there are any remaining building permits, the Town may continue to accept building permit applications. The permits may continue to be issued one per applicant until all permits for that period have been issued.
3. The number of Building Permits that may be issued by the Town of Brookline in any calendar year shall be limited to the following formula:

$(\text{Current Population} * \text{NRPC Region Average Growth Rate}) / 10$  (to determine the annual rate from the 10 year average) / (Average Number of People per house) = Number of Building Permits per calendar year.

For example, according to the 2020 U.S. Census Bureau Data the average growth rate for the Nashua Regional Planning Commission (NRPC) region from 2010 - 2020 was 5.7% and the average number of people per household in Brookline was 3.08.

The calculation for 2022 is:  $2020 \text{ Population } 5639 * 0.057 = 321.42 / 10 = 32.14 / 3.08 = 10.44$  new dwelling units in 2022. Standard rounding of numbers shall apply.

Reaching substantial completion shall vest, in the approved subdivision plat, the rights defined in RSA 674:39, II, 5-year Exemption. Lots that are part of an approved subdivision with vested rights, may apply for a building permit at any point in the calendar year. These building permits for any dwelling will be subtracted from the total available number of permits for that calendar year.

4. A building permit expires and becomes invalid if construction, which is deemed to be installation of footings and foundation, has not started within six (6) months from the date of issuance.
5. Building permits may be transferred between lots prior to the pouring of a footing or foundation with the approval of the Building Inspector.

### ***1406.00 Phased Development***

If this Ordinance is in effect, the Planning Board shall require the phasing of pending and future subdivision and cluster development proposals as provided in New Hampshire RSA 674:21. The purpose of phasing developments is to minimize a strain on municipal resources caused by the sudden introduction of a substantial number of new dwelling units and to allow the Town to plan and absorb the growth over a longer period of time so as to avoid severe impact on Town services and resources.

1. For a development containing more than two (2) proposed dwelling units or individual lots, the Planning Board shall require phasing of a subdivision or cluster development for a period of up to five (5) years. For a development exceeding twenty (20) dwelling units or individual lots, the Planning Board may negotiate a longer period of time over which phasing of the proposed development is to occur, based on the size of the project and the potential impact of the project on the Town, however, such phasing shall not be less than five (5) years.

2. Once a phasing plan is approved by the Planning Board with dates of allowed construction for each phase, the approved plan shall be recorded with the Hillsborough County Registry of Deeds.

#### ***1407.00 Sunset Clause***

This Ordinance expires after one year, unless the following occurs:

1. An annual review by the Planning Board which shall be conducted no later than November. The annual review must be conducted at a public hearing and noticed in accordance with RSA 675:6 and 675:7.
2. If, after conducting the annual review, the Board determines that this Ordinance is both appropriate and necessary to meet the Purpose, Section 1401.00 above, this Ordinance would be effective for another year, at the end of which another annual review, as described above, shall occur.
3. After conducting the annual review, the Planning Board shall change the number of building permits issued per calendar year based on the formula in section 1405.30 if such a change is warranted by the formula.

#### ***1408.00 Severability***

If any section, provision, portion, clause or phrase of these regulations shall be declared invalid or unconstitutional, it shall not impair or invalidate any other section, clause, provision, portion or phrase of these regulations.

#### ***1409.00 Effective Date***

This Ordinance shall become effective immediately upon an affirmative vote at Town Meeting.