

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 meet the demand for high quality education and school services while maintaining classroom sizes in accordance with the current and long-standing school board policies within the existing structural capacity of the schools. The schools both in the Brookline School District and the Cooperative School District are close to physical capacity based on current space configuration, long-standing school board policies, and the population growth in Brookline. Uncontrolled or unmonitored growth has the potential to result in a significant reduction in the quality of education and school services;
2. To provide the Town time to conduct a Town-wide hydrogeological study of existing well water capacity and to protect existing water resources;
3. To allow the Town the opportunity to plan for increases in Town services in an efficient manner; and
4. To ensure that Brookline receives its fair share of the regional population growth. Brookline is growing faster in recent years than all communities in the Nashua region and according to the 2020 census data, it is the fastest growing community in the NRPC region.

1402.00 Authority

This Ordinance is adopted as a growth management ordinance under RSA 674:22 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.

1404.00 Definitions

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

1405.00 Requirements

1. Any subdivision approved during the effective period of this ordinance shall be a Phased Development.
2. Building permits shall be distributed in March and October. Beginning on March 15, 50% of the total available permits may be issued for that year. Beginning on October 15 the remaining building permits for that year may be issued. Every applicant may be issued one (1) building permit until the total available number of permits have been issued. Applications for building permits issued beginning on March 15 shall be received no later than February 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 application 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:

$(\text{Current Population} * \text{NRPC Region Average Growth Rate}) / 10 / (\text{Average Number of People per house}) = \text{Number of Building Permits per year.}$

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.

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. A lot can be transferred with or without a building permit. Building permits are tied to lots and cannot be transferred between lots.

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 in 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 the Purpose, Section 1401.00 above has been met and that this Ordinance is no longer required, the Board shall seek approval from Town meeting to sunset this Ordinance.
3. 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.
4. After conducting the annual review, the Planning Board may change the number of building permits issued annually based on the formula in section 1406.00.

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.