

How Can We Legally Control Growth?

Part II: Interim Regulations

Last month, we explored what your Town can do to prepare for, and control, long term growth. State law allows a Town to hold growth to a rate that the Town can responsibly and reasonably accommodate. The key is that the Town must accept, and plan for, *some* growth, but may limit it to the rate that the citizens can reasonably afford to upgrade their Town's infrastructure (schools, roads, police and fire departments, water, sewer, library, recreation) to accommodate sustainable growth. As we learned last month, the process requires time; time to amend the Master Plan, to develop and implement a capital improvements program (CIP), and to pass a reasoned and defensible Growth Management Ordinance.

This month's article deals with what the Town can do during that critical period between the time the Town becomes aware that uncontrolled growth is threatening and harming the community, and the time that a Master Plan, CIP Program, and permanent Growth Management Ordinance can be developed and passed. These two or three years can be critical. So what can you do?

The statute that controls is RSA 674:23 (Growth Management; Interim Regulation). It provides that Towns or Cities may adopt interim growth regulations through the following process:

1. The Planning Board must make a finding that while the Town works toward a permanent Growth Management Ordinance, the need for interim growth regulations exists, and proposes the interim regulation,
2. The Planning Board holds at least one duly noticed public hearing on the proposed interim regulations (the notice must be within 90 days of the next Town Meeting),
3. After the public hearing, the Planning Board votes on the final language of the proposed interim growth regulation, which is then submitted as a Warrant Article for public vote at Town Meeting,
4. The Town Meeting passes the warrant article at Town Meeting, which must occur within 90 days of the posting of notice of the Planning Board's public hearing on the proposed regulation.

The statute also provides that the adopted Interim Growth Management Regulation shall expire at the earliest of the following dates: Either one year from adoption, at an earlier date set in the Regulation, or upon adoption of a permanent Growth Management Ordinance under RSA 674:22, as described in last month's article.