

4/10/2025

To: NH House Housing Committee

From: Sharon Monahan, Peterborough, NH

Re: Written Testimony for public hearing on SB84

*Relative to zoning procedures that sets maximum lot sizes for single-family residential uses based on the type of infrastructure servicing the lot.*

**I STRONGLY OPPOSE SB 84 because:**

**1. This is an extension (over reach of law) by adding a New Section of law RSA 674:18- b. RSA 674:18-a (Alternative Procedure for Adoption of Zoning Ordinances eff 7/1/2024) took away a Citizens voice, consent, and vote regarding local zoning ordinances and Community planning (ie Master Plan ). The new 18-b is an expansion in the State usurping Local Controls.**

**2. This is a Zoning Mandate: It bypasses local government and individual property owner's rights and overrides it. It's not up to the state legislature to ration the land in towns or treat private property as if it was state owned. At least landowners get to vote on Town zoning ordinances and participate in town-wide Master plans.**

**3. This is not only "One size Fits All" it is depressingly "Traditional" cookie cutter 1950's - 1960's suburban zoning only at higher densities. It prevents alternative and creative housing solutions such as open space cluster subdivisions and different types of housing units etc.**

**4. This inflates land values assessment and therefore will increase property taxes on landowners. It creates a land value assessment factor standard based on infrastructure**

**And an inverse taxation of property for single family home owners. Just as people with the least money are charged a higher interest rate, this enables a municipality to tax property owners with the least land and least amount of dwelling units a higher rate. ( ie Single family homes on sewer and water can be assessed as if they are an urban lot and rural properties that are less than 11acres so don't qualify for current use can be taxed as if they could be subdivided ).**

**5. This does not create more affordable or middle income housing, it just creates more housing at the market rate type of housing the builder chooses. For example: Instead of an 8 acre lot being subdivided for two expensive homes it can now be 4 expensive homes on 2 acre lots. There is a Housing Crisis and Shortage of housing for middle class and working class families in NH – not the wealthy elite. This legislation not only inflates the land values for property owners it removes any incentives for developers to create Workforce Housing.**

**6. Towns cannot "prove through empirical evidence" a negative or an unknown, nor can they "prove through empirical evidence" that the one size fits all planning isn't what the citizens in their community or neighborhoods want (they don't have a voice or vote on it anyways).**

**7. Groundwater for Drinking Water and Sewage Disposal (Sanitation) cannot be allocated through lot sizing since there are other factors involved – not just the land area. Available Groundwater supplies is an unknown therefore a Town’s ability to meet increased housing density demands and usage is an unknown. All that is known is that Groundwater is dynamic and does not stay within property line boundaries. Contamination is easily spread and often non-recoverable. All drinking water, be it municipal or private wells are drawing from the same aquifer (s) and the recharge and drawdown on an aquifer is an unknown. A Town cannot prove through empirical evidence that their water supply can meet or not meet the demands of more housing.**

**8. Sewer and water infrastructure only exists in NH cities. Over 50% of the households in NH are on sewage disposal systems. In defense of properties with on –site wastewater systems at least the groundwater that is withdrawn is treated on site (through land area and soils) and discharged back into the aquifer (recharging). In other words it is recycled. Whereas municipal services withdraw water for drinking water and sewage disposal to be distributed and treated off site, and discharged typically into a river so outside the municipal boundaries.**

**Mid -size towns with some infra structure are often 50-60 years old and limited in scope. Towns can not afford to create new infra structure and the State does not assist financially. All costs end up burdening the property owner via local property taxes.**

**9. Section VI needs to be amended to: VI. Nothing in this section shall override or supersede applicable department of environmental services **subdivision**, septic and well regulations or municipal wetlands and septic regulations ~~which may require applicants on a case-by-case basis to have larger lot sizes to meet these regulations.~~**

**Section III to be amended to: III. For lots serviced by municipal or community sewer and water infrastructure, no ordinance shall require lot sizes greater than 22,000 square feet for single-family residential uses**

**Lot Sizing has to do with subdivisions as well and not all subdivisions are for 4 bedroom single family homes. NHDES requires all subdivisions of land less than 5 acres receive State Subdivision approval where minimum lot sizing is regulated according to the use and sewage load. RSA 485-A: 29-44.**

**There is also RSA 485-A:38 expansion in sewage load which requires NH DES approval and increases the buildable land area needed for the increase in use. This is why it is difficult for a single family home not on municipal sewer and water to convert to multifamily or have an accessory dwelling unit.**

**For Example: A 4 Bedroom house is 600 GPD sewage load with a 75’ well radius and a house with four 1 bedroom apartments is 900 GPD sewage load and a 100’ well radius. This is also the equivalent of a 4 bedroom house with a 2 bedroom ADU.**

**10. Trying to regulate the maximum lot sizing according to infrastructure to increase Housing in the towns and cities through Zoning Mandates such as this is not in citizens or municipalities best interests.**