

**BOARD OF SELECTMEN**  
**Minutes of May 14, 2012**

**MEMBERS PRESENT:** Chairman Bruce Breton called the meeting to order at 7:05 PM. Selectmen Ross McLeod, Kathleen DiFruscia and Roger Hohenberger were present, as was Assistant Town Administrator Dana Call. Selectman Phil LoChiatto was delayed and arrived at 7:25 PM. Town Administrator David Sullivan was excused. Mr. Breton opened with the Pledge of Allegiance.

**ANNOUNCEMENTS:** Recreation Coordinator Cheryl Haas approached, noting that she had been approached about a possible Eagle Scout Project at either Griffin Park or another of the Town fields. She indicated she was present to see if the Board supported the concept before the Scout proceeded too far and added that if approved he would work with Recreation and Windham Baseball before returning to the Board with the final design. She then deferred to Nathan Hood.

Mr. Hood advised that he was a Life Scout with Pack 266, and that he would like to construct a batting cage at Griffin Park as the one at Golden Brook School had been removed as part of the kindergarten construction. He noted that he had spoken to both Recreation and Windham Baseball, both of whom support the concept.

Mr. Hohenberger inquired where Mr. Hood was proposing to install the cage, and the latter replied the location had not been determined as yet. He noted he needed to work further with Baseball and the cage could ultimately be located at a different field. Discussion ensued as to the size/expense of the proposed cage, and Mr. Hood indicated that some parts may be able to be salvaged from the Golden Brook cage.

Further discussion ensued regarding the Golden Brook cage and coordination of the project. Ms. Haas noted there were a number of things that still needed to be discussed, such as who will assume ownership/maintenance of the cages and permitted users. Mrs. DiFruscia inquired whether the cages would stay up all year, or be taken down seasonally, and Mr. Hood indicated that also has to be determined.

After further discussion it was the consensus of the Board to support the concept of Mr. Hood's proposal, and that he return to the Board with more details.

*Deputy Chief Bill Martineau* approached to present certificates of recognition to the Farrell family for their participation in the Adopt-a-Cistern program; noting that they were the first and only family to participate. He extended thanks to Kara, Kaitlyn, and their mother Cindy for adoption of three hydrants in the Duston Road area.

*Mrs. DiFruscia* reminded all that the following Saturday would be the Windham Garden Club's Annual Plant Sale at the Town Hall beginning at 9:30 AM.

*Mr. McLeod* noted he had received an email request from Ms. Laura Bellavia to use the Town's grills for a Field Day event at the High School. Discussion ensued regarding the availability of the grills and of staff to deliver them to the site. Mr. McLeod then moved and Mrs. DiFruscia seconded to approve the request to utilize the Town grills subject to their availability and the availability of staff to deliver them. Passed 4-0.

**MINUTES:** Mr. Hohenberger moved and Mr. McLeod seconded to approve the minutes of 4/16 as written. Passed 4-0. Mr. Hohenberger then moved and Mr. McLeod seconded to approve the minutes of 4/23 as written. Passed 4-0.

**MARGARET CASE:** Mrs. Case, Chairman of the Cable Advisory Board, approached seeking the Board's approval to waive the bid process to allow for the purchase of editing equipment from a sole source vendor. Mrs. Case indicated that the Studio is in need of another editing station, and advised that this would be a direct from Apple purchase, thus reflecting the lowest possible pricing.

After brief discussion, Mr. Hohenberger moved and Mrs. DiFruscia seconded to approve the request to waive the purchasing policy, as there is no other vendor for this equipment. Passed 4-0.

**LIONS CLUB:** Mr. Wayne Bailey, outgoing President, approached and gave a brief history of the Lions' foundation/activities in Town, noting he was here seeking feedback on the Club's relevance and to solicit new members. He noted that the Club currently consists of 8 women and 14 men aged late 20's to 80's; and that more members of any age are needed. He explained that the Club is a charitable group, whose principal thrust is eyesight conservation with an unwritten goal of having fun while helping those in need.

Mr. Bailey indicated he would appreciate any feedback from the Community regarding the Club, and Mrs. DiFruscia extended thanks for his presentation and for the good work done by the Lions for the community. Brief discussion ensued regarding the Lions' eye glass drop-offs at the Transfer Station and Nesmith Library.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. LoChiatto seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a and b. Roll call vote all "yes". The topics of discussion were personnel and the Board, Mrs. Call, and Ms. Devlin were in attendance in all sessions. In addition, Ms. Haas was in attendance in the first session.

Ms. Haas reviewed with the Board candidates for the vacant lifeguard positions. Mrs. DiFruscia moved and Mr. McLeod seconded to hire all candidates as recommended. Passed unanimously.

*Mrs. Call* updated the Board on a personnel matter relative to disciplinary action. No decisions were made.

The Board reconvened in public session.

**PUBLIC HEARING – COMMUNITY DEVELOPMENT FEES:** Director Laura Scott read the public hearing notice into the record as attached. After a brief discussion regarding fees assessed for external piping by the Fire Department versus internal piping fees charged by Community Development, Mr. LoChiatto moved and Mrs. DiFruscia seconded to approve the proposed fees as posted. Passed unanimously.

**SUSTAINABLE COMMUNITIES INITIATIVE:** Mr. Cliff Sinnott of the Rockingham Planning Commission opened the discussion by noting he had been requested to return to the Board to provide more detailed information about the program and to answer several questions raised at the 4/23 discussion. He then proceeded to present the attached slideshow to the Board.

Mrs. DiFruscia thanked Mr. Sinnott for his presentation; noting it had answered many of the questions raised. She then inquired regarding the funding, and specifically if 80% were going to development of the regional plan where the remaining 20% would go. Mr. Sinnott noted that 8% of the remainder would go toward administrative activities, 5% toward equity, and the balance divided across the nine planning commissions for use toward statewide activities such as scenario planning.

Mrs. DiFruscia then inquired how Windham would be involved in implementation of the Regional Plan upon its completion in three years. Mr. Sinnott noted it was yet to be defined how implementation and future reviews of the Plan are handled. Mrs. DiFruscia sought clarification that local control would always be maintained, and Mr. Sinnott replied in the affirmative.

Mr. LoChiatto requested that Mr. Sinnott further explain the Regional Equity Team. Mr. Sinnott noted that HUD essentially places a lot of emphasis on reaching out to those facets of the population that are not normally involved in the planning process. Discussion ensued, and Mr. LoChiatto sought clarification as to whether the Town could assert that certain standards or parameters of a more urban nature do not apply to Windham. Mr. Sinnott replied in the affirmative, adding that he suspected the Equity Team had more to do with garnering input than developing content.

Mr. McLeod inquired whether there would be any added cost to the Town to participate beyond the dues already paid for membership to the RPC, and Mr. Sinnott replied in the negative. Discussion ensued as to use of local commissioners to the RPC as part of the development, as well as RPC staff.

Mr. Breton noted that, right now, a State-wide Master Plan does not exist and inquired whether that would be the end result of the SCI. Mr. Sinnott replied in the negative, noting that the end result will be nine regional plans addressing topics both contained in local plans and at the State level. Mr. Breton sought clarification whether, if a State-wide Plan were developed, the Town would be obligated to refer to it for its local plan. Mr. Sinnott replied in the negative; noting that the RPC would be required to look at a State-wide plan.

Mr. Breton then opened the discussion to the public, and input was received from the following:

- Mr. Bill McNally expressed concerns that the SCI is stemming from the United Nations. He then played an Agenda 21 video with presentation by Representative Hanson, and expressed concerns with various communities who have joined ICLEI. He requested that the Board reject the RPC's request to join the SCI, and that the Town remain independent.
- Mr. Paul Therrien approached and presented a petition to the Board signed by numerous residents requesting the Town not participate in the SCI. He then gave a background of his credentials and military service; noting in particular his time spent in mainland China and his experiences with Mr. Sidney Rittenberg, consultant to Mao Tse Tung. Mr. Therrien indicated he believed the Town needed those items explained by Mr. Sinnott but not if done by centralized government. He recommended that the Board read "Shadow Party", "Ameritopia", and "The Man Who Stayed Behind"; noting that local government is the guarding of constitutional government.
- Representative Walter Kolodziej approached noting he had attended the presentation as shown in the video played by Mr. McNally. He noted he was not present that evening to denigrate Mr. Sinnott, who he stated was an honorable man that he had worked with before. Representative Kolodziej then advised the Board of pending legislation, which had passed and will now be going to the House, which requires that no Town participate in ICLEI or Agenda 21. He urged the Board not to join the SCI until they know what is in it.
- Representative Rick Okerman approached noting that concerns regarding HUD continue to be raised. He advised that, from his work on the Planning Board, he knows that Windham is lumped in with Lawrence and expressed concerns with how that region will impact Windham given that funds are coming from HUD.
- Mr. Alan Carpenter approached and inquired of Mr. Sinnott whether the program and/or resulting document was born of Agenda 21, and Mr. Sinnott replied in the negative. Mr. Carpenter then inquired whether HUD approached the RPC or vice versa, and Mr. Sinnott replied it was both; adding that HUD needs to coordinate the infrastructure, but it was the nine regional planning commissions who proposed the development of a regional plan. Mr. Carpenter then inquired whether, in its 40 years, the RPC had ever dictated to any community what it could or couldn't do. Mr. Sinnott replied in the negative; adding that by design the RPC cannot do that. He noted that the RPC is created by local governments to serve same, and that there is no basis for the fear that the SCI is removing local control. Mr. Carpenter then indicated he did not see any facts that would make the SCI appear to be anything other than as presented. He did note concern with paragraph five of the agreement, as it pertained to prioritizing measures, and suggested it be edited; but noted that overall the agreement seemed innocuous and not detrimental to the Town.

Mr. Breton sought clarification that the Town would still have access to the end result even if it did not sign the agreement, and Mr. Sinnott replied in the affirmative in that it would all be public information. Discussion ensued.

- Mr. Wayne Morris approached to inquire what the Community Development Director's opinion was on the matter. Mr. McLeod cited an email sent by Ms. Scott in which she expressed the SCI was a good idea. Ms. Scott approached noting that she was of the opinion that the SCI was just like a local Master Plan but bigger. She indicated it addressed the same matters as a local plan, plus additional topics, and that as it was advisory local officials could choose what to implement. Ms. Scott added she had no position on HUD funding, but added that most local plans utilize additional funding.

- Mrs. Kristi St. Laurent approached reiterating her support as expressed on 4/23; adding that what will be generated will be a reference document. She indicated that she had looked into the Agenda 21 information, and found that all recommendations therein are “should”, not “shall”, and that it does not dictate how any community should be developed. Mrs. St. Laurent then noted that the UN documents are basically a set of best management practices to help guide developing countries; and that nothing demands rule-making. She indicated that she believed a regional view would be very helpful to the Planning Board regarding where the Town’s needs are and regional impacts, and she recommended the Board join in the SCI effort.
- Mr. Ken Eyring approached and indicated there is a clear need to continually plan for the future and consider regional impacts. He noted that, while the SCI is not Agenda 21, it is a federal partnership between HUD, the EPA, and the RPC and while the Town has had a good relationship with the latter that was past whereas this is the future. Mr. Eyring indicated that he believed the RPC was making an error in joining the SCI. Mr. Eyring then noted he had spent the weeks since the last discussion looking extensively at the SCI and made some disturbing finds. He then proceeded to hand out/review a large number of documents as attached to these minutes.

Mrs. DiFruscia objected to the submission of the documents at that late hour, noting she had specifically asked for them to be available beforehand. Discussion ensued, and the Chairman allowed Mr. Eyring to proceed. Upon completion of his presentations, Mr. Eyring noted that he was not questioning Mr. Sinnott or our RPC representatives, but stressed that this was not a bottom-up program as all funds come from HUD. He urged the Board to reject the agreement. Discussion ensued regarding the two drastically differing opinions of the SCI and the agreement, and whether the Town would be held to HUD requirements such as Federal Fair Housing Act, which Mr. Eyring indicated he believed it would be.

- Mrs. Eileen Mashimo approached reiterating that the SCI appeared to be far more reaching than just land issues, with little or no demonstrable benefit to the Town. She noted that the Federal Government considers Windham to be de facto segregated and therefore subject to the 1965 Civil Rights Act, and went on to express concerns regarding the activist head of the HUD SCI program. Mrs. Mashimo noted that she had lived in cities with walkable, mixed uses, and that she had left some for Windham. She noted that the citizens of Windham have sent a message to the Board that they are willing to spend funds to maintain autonomy and local control, and implored the Board not to sign the agreement.
- Mrs. Diane Carpenter approached expressing concern that Mr. Eyring’s materials were selective without the full documents available. She noted she supported the Board’s execution of the agreement, adding that in the end the Board does have local control.
- Mr. Addison Hartman approached noting that there is no such thing as a free lunch. He indicated that he believed government works best locally and urged the Board not to sign the agreement.

Discussion then ensued regarding the document signed by Nashua, the RPC as a sub-recipient, and in-kind services. Mrs. DiFruscia indicated her primary concern was regarding the HUD funding, and how much control they would have. Mr. Sinnott indicated he did have some answers to those concerns, but would have to do more research himself; adding that it had also come up in review of the agreement with Nashua.

Discussion ensued regarding mandatory outcomes and the need to get clarification from HUD, the differing requirements of CDBG funding and fair housing. Mr. Sinnott indicated that he would compile answers from HUD for the Town’s review; adding that the RPC would not participate if they believed local control would be given up. Further discussion ensued regarding Federal Funding and the implications thereof.

Mr. McLeod indicated that lots of good information had been presented, however, he expressed concerns that same had not been provided to the Board and Mr. Sinnott in advance. He respectfully asked that anything planned for the next discussion be provided in advance. Mr. Eyring agreed.

After further discussion, the Board agreed to reconvene the SCI agenda item to June 4<sup>th</sup>, when members of the three area Planning Commissions are scheduled to make a presentation to the Board.

**GRANTS MANAGEMENT POLICY:** Mrs. Call presented a draft policy to the Board for their review prior to discussion at a future meeting.

**PURCHASING POLICY:** Mrs. Call presented draft amendments to the Board for their review prior to discussion at a future meeting.

**CORRESPONDENCE:** Right-of-Way permit/Blueberry Road – request received from J & L Cable Service (Comcast) to run new service drop via boring roadway. Standing Comcast bond is in place. Mr. Hohenberger moved and Mrs. DiFruscia seconded to approve the permit. Passed unanimously.

**OLD/NEW BUSINESS:** Mr. LoChiatto indicated he had received several calls regarding the timing of the lights along Route 111 from the 93 ramp to Shaws. Discussion ensued regarding these signals, as well as the turn lane at the Wall Street intersection. It was the consensus of the Board that staff draft a letter to the DOT requesting they check the coordination of the lights, as well as that they change the slip lane at the Wall Street intersection to a “right-turn only” lane. Mr. Breton requested that Senator Rausch and Representative Kolodziej be cc’d on the correspondence.

Mr. Hohenberger moved and Mrs. DiFruscia seconded to adjourn. Passed unanimously.

Meeting was adjourned at 10:50 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant.

*Note: These minutes are in draft form and have not been submitted to the Board for approval.*



*OLD VALUES - NEW HORIZONS*  
**COMMUNITY DEVELOPMENT**

PO Box 120, Windham, New Hampshire 03087  
(603) 432-3806 / Fax (603) 432-7362  
[www.WindhamNewHampshire.com](http://www.WindhamNewHampshire.com)

**COMMUNITY DEVELOPMENT DEPARTMENT FEES**

**Planning Board Fees\***

**Site Plan Application**

Pre-Submission/Preliminary Review Application	\$200.00
Change of Use/Minor Site Plan	\$200.00
Final Major Site Plan	\$0.15/sqft bldg footprint Not to exceed \$10,000.00
	\$0.10/sqft site disturbance not to incl bldg footprint, Not to exceed \$5,000.00

**Subdivision Application**

Design Review Application	\$200.00
Lot Line Adjustment	\$200.00
Subdivision Application	\$200.00/lot

**Workforce Housing Application**

Design Review Application	\$200.00
Final Application	\$1,000.00

**Excavation Application**

\$1,000.00

**Escrow Accounts**

Site Plan - Change of use/Minor	\$500.00
Site Plan – Major	\$1,000.00
Subdivision – Lot Line Adjustment	\$500.00
Subdivision – No New Road Proposed	\$1,000.00
Subdivision – New Road Proposed	\$2,500.00
Excavation	\$2,500.00
Workforce Housing	\$1,000.00

**Customary Home Occupation Conditional Use Permit**  
(Including Home Day Care and Kennel)

\$100.00

**WWPD Special Permit**

\$25.00

\* Open Space Subdivision Applications to pay Subdivision Application Fees  
Residential Condominium Site Plan Applications to pay Site Plan Application Fees

**Cobbetts Pond & Canobie Lake Watershed Protection Permits**

Site Plan & Subdivision	\$50.00
Engineering Escrow: Change of use/Minor SPR	\$500.00
Engineering Escrow: Subdivision & Major SPR	\$1,000.00
Minor Application	\$25.00
Major Application	\$100.00
Engineering Escrow	\$500.00

<b>Newspaper Public Hearing Notification</b>	\$25.00
<b>Abutter Notification</b>	\$6.00/abutter

**Rockingham County Registry of Deeds**

22"x34" Plans	\$26.00/sheet
LCHIP surcharge per plan/document recorded	\$25.00
Deeds, easements, other misc 8½" x 11" documents	\$12.00 1 <sup>st</sup> /pg
	\$4.00 2 <sup>nd</sup> /pg
Accessory Apartment Restrictive Covenants	\$16.45
Postage	\$15.00

**Zoning Board of Adjustment Fees**

Variance Application	\$100.00
Special Exception Application	\$100.00
Appeal of Administrative Decision Application	\$100.00
Equitable Waiver Application	\$100.00
Junkyard Certificate of Approval Application	\$100.00
Rehearing Request(granted)	Abutter & Newspaper Notification Costs
Newspaper Notification	\$25.00
Abutter Notification	\$6.00/abutter

**Signs**

Permanent Sign	
Application Fee	\$25.00
Per sq ft	\$2.00
Temporary Sign	\$15.00
Temporary Sign Renewal	.....\$15.00

**Health Inspector/Board of Health Fees**

Foster Home Inspection	\$30.00
Childcare Facility (12 or more children) Inspection	\$125.00
Family Day Care (up to six children) Inspection	\$30.00
Day Care Nursery (5 or more children) Inspection	\$30.00
Well Waiver Application	\$25.00
Abutter Notification	\$6/abutter

## **Building Permit Fees**

Application Fee (all permits)	\$25.00
Assembly*	\$0.35/sq ft
Business*	\$0.35/sq ft
Educational*	\$0.35/sq ft
Factory & Industrial*	\$0.35/sq ft
Institutional*	\$0.35/sq ft
High Hazard*	\$0.35/sq ft
Mercantile*	\$0.35/sq ft
Residential*	\$0.35/sq ft
Additions, Alterations*	\$0.35 sq ft
Residential, Unheated*	\$0.12 sq ft

\* As defined by NH State Building Code

Above Ground Pools/Hot Tub	\$40.00
In-Ground Pools	\$55.00
Chimney & Fireplace	\$35.00
Radio Towers	
Commercial	\$500.00
Residential	\$50.00
Small Wind Energy System	\$175.00
Abutter Notification	\$6.00/abutter
Well	\$80.00
Septic System	\$80.00
Holding Tank	\$30.00
Fence	\$20.00
Conversion (Seasonal to Year Round)	\$75.00
Demolition	\$75.00
Foundation Only	\$75.00
Re-inspection Fee	\$125.00
Stop Work Release	\$150.00
Trenching Fee	\$0.25 per foot (\$100.00 minimum)
Reconstruction Fee	\$1.50 per foot (\$100.00 minimum)
Work Started without permit	Double Permit Fee

## **Plumbing**

New House Construction	
-up to 3,000 sq ft	\$100.00
-each additional 1,000 sq ft	\$20.00
Home Addition	
-up to 800 sq ft	\$40.00
-each additional 100 sq ft	\$10.00
Gas Piping (internal)	\$30.00

**Electrical**

Permanent Service	\$30.00
Temporary Service (90 days)	\$30.00
Pools/Hot Tubs	\$30.00
Signs	\$30.00
New House Construction	
-up to 3,000 sq ft	\$100.00
-each additional 1,000 sq ft	\$20.00
Home Addition	
-up to 800 sq ft	\$40.00
-each additional 100 sq ft	\$10.00
Generator	\$30.00

**Impact Fees (Adopted By the Planning Board)****School (Residential)**

\$4,288/SF Detached

**Public Safety (Per Dwelling Unit)**

Single-Family Detached	\$1,621.00
Single-Family Attached	\$1,157.00
Duplex & 2-Unit	\$1,316.00
Multi-Family & 3+ Units	\$997.00
Manufactured Housing	\$1,151.00

**Public Safety (Per Square Foot)**

Assisted Living Facility	\$2.29
Apartments for the Elderly (Age 62+)	\$1.16
Institutional (non-residential)	\$0.65
Retail & Lodging	\$0.64
Office	\$0.61
Services & General Commercial	\$0.53
Industrial & Warehouse	\$0.30
Others-Unclassified	\$0.65

**Miscellaneous Department Fees**

Town & School Department Building Permit Applications	No Fee
Copies	
8½" X 11"	\$0.25/sheet
11" X 17"	\$0.50/sheet
22" X 34"	\$5.00/sheet
Copies from own property file for permit applications	No Charge
Zoning Ordinance	\$25.00
Site Plan Regulations	\$5.00
Subdivision Regulations	\$5.00
Excavation Regulations	\$5.00

# Sustainable Communities Initiative: "A Granite State Future"

Windham Board of Selectmen  
May 14, 2012



## Presentation

- Commission Overview
- Work in Windham
- Granite State Future Project (Sustainable Communities Initiative)
- Q & A

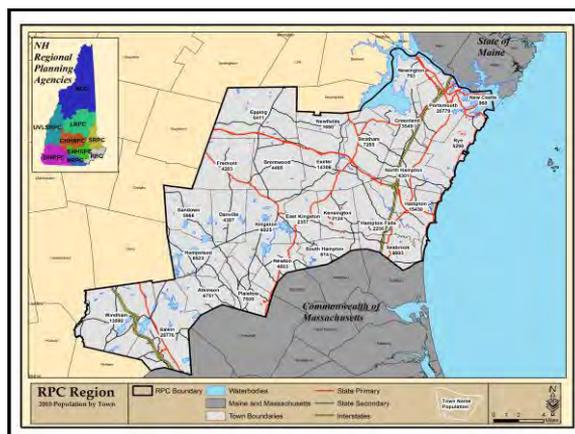
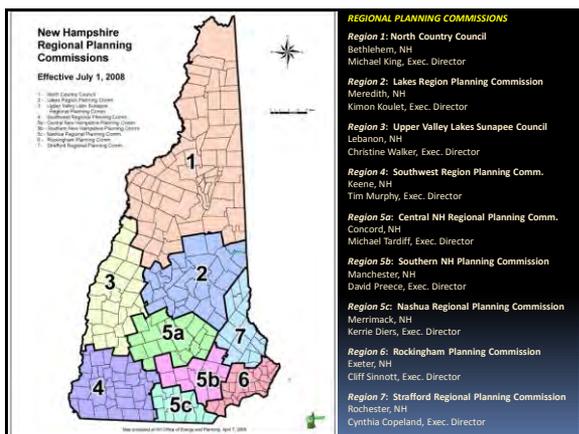
## Overview:

### WHAT WE ARE:

- ✓ Public regional planning agency
- ✓ Political subdivision of the state
- ✓ Voluntary association of local governments;
- ✓ The "MPO" for Southeast NH

## Commission

- **RSA 36:45-58** establishes "Regional Planning Commissions" (1969);
- RPC Established by its member towns in mid 1970s, and re-formed in 1982 .
- One of **9 regional planning commissions** in NH
- RPC's planning district includes **27 communities** in Southeast NH
- Purpose: to foster a "coordinated plan for the development of the region" (and help individual towns with planning needs);
- Participation and membership is **voluntary**. Town meeting votes to join (initially), then continues membership by paying annual dues;





## Work Program - Overview

- Local Planning Assistance
- Regional Land Use Planning
  - land use
  - environmental planning
  - economic development
  - hazard mitigation planning
- Transportation Planning
  - MPO related
  - Special Projects
- Full Adopted work program in Commissioner Handbook

## Highlights of FY 2012 Work Program Land Use - Local

- Circuit Rider Program
  - Planning Board (11 Towns)
  - Conservation Comm. (1 Town)
- Local Technical Assistance Grants
  - TBG, Coastal Prog., Transportation, Hazard Mitigation
- GIS/Mapping
  - Updated Aerial Imagery and Zoning Coverages
  - Standard Map Set update
  - Regional Buildout
  - LiDAR Map acquisition
  - Local Tech Assistance
- Zoning and Land use Regulations
  - (access management, workforce housing, form-based code)

## Highlights of FY 2012 Work Program Land Use - Regional

- Watershed/water quality planning
- Assistance to Committees on Workforce Housing Compliance (SB 342)
- Developments of Regional Impact – as needed
- Land Use Board Training
- CEDS – Economic Development Planning w REDC
- ETAP – Energy Planning Assistance to Towns
- Regional Brownfields Assessment Program
- Hazard Mitigation Plan updates – ongoing
- Model Agriculture Master Plan Chapter (NHCF)

## Highlights of FY 2012 Work Program - Transportation

- Long Range Transportation Plan & TIP Update
- Model Update; Air Quality Conformity
- TE and CMAQ Programs
- COAST, CART, ACT & TASC Assistance
- MPO Congestion Management
- Corridor Studies (Route 1, Plaistow, Windham, Seabrook)
- Safe Routes to Schools Program
- Plaistow/MBTA Commuter Rail Extension
- Scenic Byways – 1A/1B & Stagecoach (121)
- East Coast Greenway
- East West (101) Bus Service - implementation

## Projects in Windham (2007-Present)

- Village Center zoning review/recommendations
- Hazard Mitigation Plan(s)
- Conservation/Open Space Ordinance amendments
- NH111/Wall Street/Village Center Corridor Study
- Economic Devel. Comm. competitive analysis (CTAP)
- Impact Fee Study & Implementation (CTAP)
- Canobie & Cobbets sewer extension feasibility study (CTAP)
- Agriculture Commission support (CTAP)
- Open Space Plan (CTAP)
- Energy Technical Assistance – Town Center Building Assessments & Recc.
- Hi Resolution Aerial Photos; Land Use Maps; Buildout Analysis
- Windham Rail Trail support
- CART transit system startup

## Sustainable Communities Initiative – “Granite State Future”

## Regional Plan (RSA 36: 47)

"...It shall be the duty of a regional planning commission to prepare a **comprehensive master plan for the development of the region** within its jurisdiction, including the commission's recommendations, among other things, for the use of land within the region; for the general location, extent, type of use, and character of highways, major streets, intersections, parking lots, railroads, aircraft landing areas, waterways and bridges, and other means of transportation, communication, and other purposes; for the development, extent, and general location of parks, playgrounds, shore front developments, parkways, and other public reservations and recreation areas; for the location, type, and character of public buildings, schools, community centers, and other public property; and for the improvement, redevelopment, rehabilitation, or conservation of residential, business, industrial and other areas; including the development of programs for the modernization and coordination of buildings, housing, zoning and subdivision regulations of municipalities and their enforcement on a coordinated and unified basis."

## Parts of a Plan

- 208 Water Quality Plan (1982)
- Housing Needs Assessment (2008)
- Open Space Plan (2005)
- Transportation Plan (2009)
- Energy Chapter - draft (2009)
- Natural Resources Chapter – in progress (2011)

## Sustainable Communities Initiative ("Granite State Future")

- Joint HUD/USDOT/EPA program to encourage community and regional planning for sustainable development
- NRPC applied on behalf of 9 regions in 2010 & 2011; successful in 2011; 18 communities, including Windham supported application.
- Called for a statewide partnership in developing a common framework for the regional plans (DOT, DES, HHS, HSEM UNH, OEP)
- Framework means: plan outlines, common tools, mapping, analyses (ex.: population projections, economic assumptions, etc.)
- Focus of the effort is in developing individual regional plans the content of which is determined by each Commission.

## NH "Livability" Principles

- Traditional development patterns & development design
- Housing choices
- Transportation choices
- Protect natural resources & quality
- Community and economic vitality
- Climate change, energy efficiency

## RPC's Policies

- Encourage **growth** to areas with existing and planned infrastructure and discourage it from undeveloped areas.
- Encourage **mixed use and more compact development** (e.g. in town centers) and reduce the rate of land consumption for new development.
- Favor the **reuse** of land and buildings for **redevelopment** over the development of vacant undeveloped land.
- Promote conservation of the "green infrastructure" – contiguous, **connected areas of open land, farmland, river corridors**, etc.
- Ensure an adequate and affordable **"workforce" housing supply** to meet for the region's workforce, young families and the elderly.
- Foster **downtowns, village centers** and neighborhoods; preserve historic buildings and cultural heritage and promote good pedestrian design.
- Encourage development of a balanced, **multi-modal transportation system** and link transportation and land use planning.

## Project Partners

Cities, Towns, RPCs	State Agencies	Others
9 RPCs	NHOEP (Energy & Planning)	NH Municipal Assoc
Cities & Towns	Comm. Devel. Finance Authority	NH Charitable Found.
	NH Housing Finance Authority	NH Comm. Loan Fund
	NH Dept. Cultural Resources	NH Creative Communities
	NH Employment Security	NH Energy & Climate Collaborative
	NH Dept. Env'tl. Services	Plan NH
	NH Dept. Health & Human Serv.	Healthy Eating/Active Living
	NH Dept. Res. & Economic Devel.	Family Assistance Advisory Council
	NH Dept. of Transportation	Cons. Law Foundation
	Univ. of New Hampshire	(Action media – contractor)

## NH Regional Planning Program

- Task 1: Administration
- Task 2: Statewide Coordination
- Task 3: Regional Planning
- Task 4: Equity and Engagement

## Task 2 – Statewide Coordination - Steps

- Committee Structure
- Project Kickoff
- Develop Evaluation Metrics
- Establish coordinated polices to guide regional planning ( using livability principles)
- Development methods to prioritize projects
- Existing conditions analysis; metrics, data, mapping
- Review regional plans for consistency
- Consolidate plans into state development policy framework.

## Task 3 – Regional Planning – Steps:

- Form Regional Advisory Committee
- Develop regional strategy for outreach
- Review existing conditions, plans, trends
- Conduct visioning sessions
- Develop needs assessment
- Develop goals and priorities
- Develop plan components/chapters
  - (Vision, Housing, Transportation, Water Resources, Environment/Nat. Resources, Economic Devel., Adaptation/Climate Change, Energy, Existing & Future Land Use (Scenarios), Implementation)
- Implementation / Project Priorities
- Adopt Plan

## Task 4 – Equity and Engagement Commitments

- Develop strategy to ensure fairness in the planning process;
- Engage local partners in Regional Equity Team (e.g Housing Authorities, United Way, humans services agencies, transit providers);
- Coordinate with statewide efforts for equity and engagement (DHHS, HEAL, FAAC);
- Attend Workshops Action Media on improving communications and outreach at grass roots level;
- Work with UNH Casey Institute
  - Communities of Interest, NH Listens, Regional Forums
- Other (neighborhood, regional workshops, etc.)

## Other

- Timeframe: 36 months
- Completion February 2015
- Funding \$300,000 over 3 years (for region)
- RPC dues commitment: \$37,500 (for region)

## Community Commitment

Request participation in the project through:

- Existing Commissioner representatives (P. Griffin, .Maloney, C. Griffin, M. Samsel)
- Input from Town staff
- Help in gather input from the public
- Participation in Regional Advisory Committee

Benefits to Windham

- Access to data, maps studies, analyses for local master plan development
- Serve as regional policy reference
- Communities eligible for preferred status for certain grants (HUD, USDOT, EPA)
- Improve coordination/cooperation with neighboring towns (e.g. infrastructure development)
- Represent Windham's interests & priorities in the process

Q & A

**Sustainable Communities Initiative**

- 5-6-2012 -

**PETITION**

The town of Windham has been solicited to participate in the Sustainable Communities Initiative (SCI), which is a federal program that is designed to take over local land and resource planning and delegate control to unelected bureaucrats. SCI provides grants to NH via nine Regional Planning Commissions with a program called "A Granite State Future".

We the undersigned adult residents of Windham, believe that the management of our town's resource planning is best done at the local level by elected officials that are directly accountable to the voters. Therefore, we respectfully ask the Board of Selectmen to reject our town's participation in the Sustainable Communities Initiative and the Granite State Future programs to ensure that the decisions that are made on behalf of Windham, are also made in the best interests of Windham.

#	Name	Address	Signature
1	WALLACE HEATH	2 COPPS HILL Rd WINDHAM	Wallace Heath
2	Shane P. Heath	2 Copps Rd - Windham	Shane P. Heath
3	AMY H NGUYEN	6 COPPS Hill Rd Windham	Amy Nguyen
4	Shanna Simons	5 COPPS Hill Rd Windham	Shanna Simons
5	Christopher Nickerson	5 Copps Hill Rd Windham	Chris Nickerson
6	Elizabeth Nickerson	5 Copps Hill Rd Windham	Elizabeth Nickerson
7	STEVEN A. DePiero	7 Porcupine rd Windham NH	Steven A. DePiero
8	Kate DePiero	7 Porcupine rd Windham NH	Kate DePiero
9	Mike Swerney	9 Porcupine Rd Windham NH	Mike Swerney
10	James Swerney	9 Porcupine Rd Windham NH	James Swerney
11	David Simons	17 Porcupine Rd, Windham NH	David Simons
12	Kristen Simons	17 Porcupine Rd, Windham NH	Kristen Simons
13	Christopher Baker	11 Porcupine rd. Windham	Christopher Baker
14	Lindsay Baker	11 Porcupine Rd Windham	Lindsay Baker
15	Chris Bulkeley	3 Porcupine Rd. Windham	Chris Bulkeley
16	Karen Bulkeley	3 Porcupine Rd Windham	Karen Bulkeley
17	Cham Nguyen	6 Copps Hill	Cham Nguyen
18	Alexis Halloran	4 Langdon Rd	Alexis Halloran
19	Fred Halloran	4 Langdon Rd	Fred Halloran
20	Ellen L Fiorano	1 Copps Hill Rd	Ellen L Fiorano
21	Jennifer Dunne	1 Copps Hill Rd	Jennifer Dunne

Windham Selectman

5-7-2012

Your devotion serving on the Board of Selectman for the town of Windham is commendable.

Please consider the impact and consequences of imposing the various Elements as required by the proposed effects of implementing (SCI) Sustainable Communities Initiative.

Attached please find the autographs of members of the community Who have signed a petition in opposition of implementing SCI.

This is a small number of residents contacted for signatures and we strongly believe the major of the voters in our community agree with this petition.

It is imperative that you vote against implementing SCI in our community and any future initiative by the federal government to superimpose there arbitrary restriction over local will.

Respectfully submitted.

Please see attached petition for address and signature.

REC'D  
5/14/12  
JRB

**Sustainable Communities Initiative**

- 5-6-2012 -

**PETITION**

The town of Windham has been solicited to participate in the Sustainable Communities Initiative (SCI), which is a federal program that is designed to take over local land and resource planning and delegate control to unelected bureaucrats. SCI provides grants to NH via nine Regional Planning Commissions with a program called "A Granite State Future".

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Assistance Award/Amendment

U.S. Department of Housing and Urban Development  
Office of Administration

1. Assistance Instrument <input checked="" type="checkbox"/> Cooperative Agreement <input type="checkbox"/> Grant		2. Type of Action <input type="checkbox"/> Award <input checked="" type="checkbox"/> Amendment	
3. Instrument Number NHRJP0062-11		4. Amendment Number 1	5. Effective Date of this Action February 1, 2012
6. Control Number		7. Name and Address of Recipient Nashua Regional Planning Commission 9 Executive Park Drive Suite 201 Merrimack, NH 03054-4045  Phone: 603-424-2240 x12 Fax: 603-424-2230	
8. HUD Administering Office HUD, Office of Sustainable Housing and Communities 451 Seventh Street, S.W., Room 10180 Washington, DC 20410		8a. Name of Administrator Thaddeus D. Wincek	8b. Telephone Number 202-402-6617
10. Recipient Project Manager Kerrie Diers		9. HUD Government Technical Representative Dwayne S. Marsh, 202-402-6316, <a href="mailto:Dwayne.S.Marsh@hud.gov">Dwayne.S.Marsh@hud.gov</a>	
11. Assistance Arrangement <input checked="" type="checkbox"/> Cost Reimbursement <input type="checkbox"/> Cost Sharing <input type="checkbox"/> Fixed Price	12. Payment Method <input type="checkbox"/> Treasury Check Reimbursement <input type="checkbox"/> Advance Check <input checked="" type="checkbox"/> Automated Clearinghouse	13. HUD Payment Office CFO Accounting Center Administrative Accounting Division, 6AFF, P.O. Box 901013, Fort Worth, TX 76101	
14. Assistance Amount		15. HUD Accounting and Appropriation Data	
Previous HUD Amount	\$0.00	15a. Appropriation Number	15b. Reservation number
HUD Amount this action	\$3,369,648.00	861/30162	NHRIP0062-11
Total HUD Amount	\$3,369,648.00	Amount Previously Obligated	\$3,369,648.00
Recipient Amount	\$1,195,391.00	Obligation by this action	\$0.00
Total Instrument Amount	\$4,565,039.00	Total Obligation	\$3,369,648.00

16. Description

Employer Identification Number: 02-0301585

Program Code: RIP

This Instrument (the HUD-1044, HUD-1044 Continuation Sheet) sets forth a legally binding agreement between the parties as to all amounts, deliverables, tasks, period of performance, terms and conditions, here within, whether implicitly stated or referenced. The Recipient certifies that all administrative and financial provisions of this Instrument are in and will continue to be in compliance for the duration of the period of performance. All covenants, referenced or stated, are agreed to by the recipient upon signing this instrument.

This grant instrument consists of the following, some of which are incorporated by reference:

1. HUD-1044 and HUD-1044 Continuation Sheet(s)
2. Grant Agreement Terms and Conditions
3. HUD 424-CBW, Total Budget Summary
4. Grant Deliverables (See HUD 1044 Continuation Sheet)
5. Work Plan/Logic Model (Tasks within Work Plan are considered deliverables)
6. OMB Circulars A-87, A-133 and A-102, which is incorporated in 24 CFR Part 85
7. Office of Sustainable Housing and Communities (OSHC) Program Policy Guidance.
8. Notice of Funding Availability (FR-5500-N-33)

Period of Performance is 36 months from February 1, 2012 to January 31, 2015.

17. <input checked="" type="checkbox"/> Recipient is required to sign and return three (3) copies of this document to the HUD Administering Office		18. <input type="checkbox"/> Recipient is not required to sign this document.	
19 Recipient (By Name) Ms. Kerrie Diers		20 HUD (By Name) Thaddeus D. Wincek	
Signature & Title <i>Kerrie Diers</i> Executive Director	Date (mm/dd/yyyy) 2/1/2012	Signature & Title <i>Thaddeus D. Wincek</i> Grant Officer	Date (mm/dd/yyyy) 02/01/2012

## HUD CONTINUATION SHEET

Instrument No: NHRJP0062-11

### 1. BUDGET

	HUD Amount	Match /Leverage Amount	Total
Direct Labor	\$314,050.00	\$40,175.00	\$354,225.00
Fringe Benefits	\$0.00	\$0.00	\$0.00
Travel	\$8,677.00	\$0.00	\$8,677.00
Equipment	\$0.00	\$0.00	\$0.00
Supplies/Materials	\$692.00	\$125.00	\$817.00
Consultants	\$0.00	\$0.00	\$0.00
Contracts	\$2,602,152.00	\$1,085,491.00	\$3,687,644.00
Construction	\$0.00	\$0.00	\$0.00
Other Direct Cost	\$0.00	\$25,200.00	\$25,200.00
Indirect Cost	\$444,076.83	\$44,399.72	\$488,476.55
<b>Total</b>	<b>\$3,369,647.83</b>	<b>\$1,195,390.72</b>	<b>\$4,565,039.55</b>

If the grantee's match/leverage contribution is less than \$1,195,390.72 the Government reserves the right to negotiate new line items and/or amounts to satisfy the grantee's requirement or to reduce the Government's share proportionally. The grantee shall notify HUD at any time it believes it will not meet its match requirement. In addition, the grantee shall obtain HUD approval regarding any changes concerning the intended use of matching funds. If the grantee exceeds the dollar amount shown above, there will be no impact on the Federal share.

### 2. AMOUNT OF COST SHARE

The estimated cost for the performance of this grant is \$4,565,039.55. HUD shall not be obligated to reimburse the Nashua Regional Planning Commission in excess of \$3,369,647.83. The Grantee agrees to bear without reimbursement from HUD \$1,195,390.72 of the total costs. However, in the event that the Grantee incurs cost in excess of the total estimated project cost of \$4,565,039.55; all such excess costs shall be borne entirely by the Grantee.

### 3. KEY PERSONNEL

The personnel specified below are considered to be essential to the work being performed hereunder:

Name	Title	% of time on the grant
Kerrie Diers	Executive Director,	20%
Jennifer Czysz	Senior Planner	80%
Camille Pattison	Principal Planner	40% (at 32 hours/week)
Julie Chizmas	Senior Transportation Planner	20%
Ryan Friedman	Senior GIS Analyst/Transportation Modeler	16%
Robin Shea	Accounting Consultant	20 hours per year (part time hourly staff)
To be hired, Interviews ongoing	Finance/HR Administrator	167 hours per year (part time staff)

## HUD CONTINUATION SHEET

Instrument No: NHRJP0062-11

### 4. SUBSTANTIAL INVOLVEMENT

HUD's Office of Sustainable Housing and Communities will work in partnership with its grantees to advance the program objectives of the grant program. The Cooperative Agreement allows for substantial involvement of HUD staff to enhance the performance of the grantee in the completion of their deliverables.

Anticipated substantial involvement by HUD staff may include, but will not be limited to:  
Studies and Reports

- Review potential amendment recommendations to the study design and/or Workplan.
- Review and provide recommendations in response to semi-annual progress reports (e.g., amendments to study design based on preliminary results).
- Review and provide recommendations on the final report/study, including final interpretation of study results.

Approvals and Reviews

- Authority to halt activity if specifications or work statements are not met;
- Review and approval of one stage of work before another can begin;
- Review and approval of substantive provisions of proposed sub-grants or contracts beyond existing Federal policy;
- Approval of workplan adjustments based on changing conditions and needs documented in the cohort targeted for capacity building.

Review and approval of key personnel

Participation and Monitoring

- Monitoring to permit specified kinds of direction or redirection of the work because of interrelationships with other projects;
- HUD and recipient collaboration or joint participation;
- Implementing HUD requirements which limit recipient discretion;
- Coordination of complementary activities from respective capacity building intermediaries, including determining if workplans require adjustments based on changing conditions;
- Where appropriate substantial, direct HUD operational involvement or participation during the assisted activity.

### 5. INDIRECT COSTS/PROVISIONAL RATE

137.90%

### 6. AUDIT INFORMATION

The Nashua Regional Planning Commission submitted an audit report conducted by Melanson Heath & Company, PC for the year ending 06/30/2011. The audit report attests to Nashua Regional Planning Commission practice of generally accepted accounting principles and compliance with laws and regulations relating to government auditing standards. The internal control structure has been reviewed in accordance with OMB Circular A-133 and found to be in compliance with requirements that are applicable to certain of its major federal programs.

### 7. REPORTS AND DELIVERABLES

List of Deliverables:

1. Final Workplan: 60 calendar days from the effective date of the cooperative agreement.
2. Logic Model: 60 calendar days from the effective date of the cooperative agreement.
3. Verification of Outreach to Public Housing Authorities: 60 calendar days from the effective date of the cooperative agreement.

## HUD CONTINUATION SHEET

Instrument No: NHRIP0062-11

4. Consortium Agreement: 120 calendar days from the effective date of the cooperative agreement.
5. Comprehensive Regional Plan for Sustainable Development 34 months from the effective date of the cooperative agreement.
6. Commitment to participate in performance measurement and evaluation conducted by third party.
7. Activities pertaining to the Fair Housing Equity Assessment as referenced in the NOFA (FR-5500-N-30FA).

Reports:

1. Semi-annual Reporting (two reports per calendar year).
2. Additional Reporting Requirements: Additional reporting requirements as outlined in the NOFA (FR-5500-N-30FA), FY11 HUD General Section (FR-5500-N-01) and 24 CFR 85.40.

**8. SPECIAL CONDITIONS**

N/A

development, transportation, and infrastructure investments in a manner that empowers jurisdictions to consider the interdependent challenges of: 1) economic competitiveness and revitalization; 2) social equity, inclusion, and access to opportunity; 3) energy use and climate change; and 4) public health and environmental impact.

16. *Underserved Populations.* The term “underserved populations” means groups of individuals who fall within one or more of the categories protected under the Fair Housing Act and who are:

- a. of an immigrant population (especially racial and ethnic minorities who are non-English speaking or have limited English proficiency);
- b. in rural populations;
- c. homeless;
- d. persons with disabilities (e.g., physical or mental) who can be historically documented to have been subject to discriminatory practices not having been the focus of federal, state, or local fair housing enforcement efforts;
- e. persons in areas that are heavily populated with minorities where there is inadequate protection or ability to provide service from the state or local government or private fair housing organizations, or
- f. populations that have faced generational economic disadvantage, job dislocation, or other forces that prevent them from achieving individual and family self-sufficiency.

17. *Unit of General Local Government.* The term “unit of general local government” has the meaning given that term in 42 U.S.C. 5302(a)(1).

18. *Water Infrastructure.* The term “water infrastructure” means drinking water treatment plants, sewer lines, drinking water distribution lines, and storage facilities that ensure protection of public health and the environment.

#### H. Other Program Requirements.

##### 1. Compliance with Fair Housing and Civil Rights Laws.

With the exception of federally recognized Indian tribes and their instrumentalities, applicants and their sub-recipients must comply with all applicable fair housing and civil rights requirements in 24 CFR 5.105(a), including, but not limited to, the Fair Housing Act, Title VI of the Civil Rights Act of 1964, and the Rehabilitation Act of 1973. HUD will look favorably upon

(b) The proportion of the regional population paying more than 45 percent of income to housing and transportation expenses.

SOURCE. The data submitted to HUD regarding regional housing prices will be verified using data available from the Federal Housing Finance Agency (FHFA) and will be made available at the HUD Sustainability website ([www.hud.gov/sustainability](http://www.hud.gov/sustainability)); the data for combined housing transportation expenses will be verified using the Housing + Transportation Affordability Index developed by the Center for Neighborhood Technology and its research partners, available at <http://htaindex.cnt.org>.

(2) *Environmental Quality*. Applicants are required to provide the following:

(a) Documented change in urbanized land per capita by decade (1990-2010).

(b) Total miles of distribution of water infrastructure per population served by decade (1990-2010).

SOURCE. The data submitted to HUD on urbanized land area will be verified using data available from the U.S. Census-based land area data that has been statistically adjusted for definitional changes and is available on the HUD Sustainability website; data on the water distribution infrastructure should be obtained by applicants through the local utility companies.

(3) *Transportation Access*. Applicants are required to provide the following:

(a) Per capita vehicle miles traveled in the region.

(b) The share of regional trips performed by automobile, transit, walking, and bicycling.

SOURCE. Both data may be obtained by visiting [www.hud.gov/sustainability](http://www.hud.gov/sustainability).

**(4) *Socioeconomic Inequity*. Applicants are required to document measures of segregation and school poverty by participating community and by region (2009).**

SOURCE. Data may be obtained by visiting [www.hud.gov/sustainability](http://www.hud.gov/sustainability). Instructions on how to assemble the data, if needed, are available at the HUD Sustainability website.

**(5) *Economic Opportunity*. Applicants are required to document the availability of subsidized housing within 2 miles of the region's five largest employment centers.**

SOURCE. The data submitted to HUD should be compiled from local economic development departments and offices of housing. Recommendations on how best to assemble this information are available at [www.hud.gov/sustainability](http://www.hud.gov/sustainability).

*(6) Fresh Food Access.* Applicants should document the proportion of the regional population isolated from fresh, quality food options, as measured by the proximity of full-service grocery stores for low-income and auto-dependent households.

SOURCE. Data may be obtained by visiting the U.S. Department of Agriculture's Food Environment Atlas website at <http://www.ers.usda.gov/foodatlas>.

*(7) Healthy Communities.* Prevalence of preventable disease (e.g., childhood obesity, diabetes, asthma, heart disease, birth outcomes, lead poisoning by ethnicity and income groupings for each county participating in the consortium).

SOURCE. Data may be obtained from local, county, and state public health agencies.

b. Narrative Statement of Need (5 points).

To complement these consistently provided data, applicants shall also provide a brief narrative that describes the context in which the proposed effort will be placed. The narrative can introduce additional information that further delineates regional conditions in the target area. HUD has provided a list of optional data points that can be used to underscore the narrative. The qualitative description will help HUD build a deeper understanding of the complexities of the applicant region and its current and future challenges. The applicant should describe the current conditions that characterize the target area of the grant application, with an emphasis on the issues that elements of the Regional Plan for Sustainable Development can address. Additional quantitative measures that will clarify the regional context are encouraged, but not required. Those measures could include other data that will help explain unique characteristics of a historically marginalized population (i.e., Native American experience in a community) or a community (i.e., specific rural conditions or impact of foreclosure epidemic on the local housing market). The development of the narrative statement should be illustrative of the kind of economic and social barriers that make a sustainable regional plan of the highest priority. Explanations for data not available for the Rating Factor form should be provided, and alternative descriptive information is encouraged, particularly in rural communities or other places where the data is not practically available.

Additional measures to consider using in the narrative include, but are not limited to:

(1) supply of affordable housing (including both rental and homeownership units) within 1/2 mile of high capacity transit service;

(2) the cost burden of housing for the region's very low-income and extremely low income populations;

(3) estimated homeless population and existing infrastructure that responds to the issue (e.g., shelters, service centers, faith community response, etc.);

(4) disparities in educational attainment by geography/population;

(5) number of brownfields in region per capita, with their current status (active, remediated, redeveloped)/impaired waters in the regional watershed;

(6) threats to the environment, human health, or property associated with expected climate changes (e.g., sea level rise and storm surge, lack of water supply, more intense rainfall events resulting in water pollution impacts);

(7) share of new residential and commercial construction on previously developed land;

(8) disproportionate access of transit alternatives to different populations/communities;

(9) percentage of new homes built within 1/2 mile of high-capacity transit service;

(10) age and condition of existing transportation infrastructure;

(11) regional status in nonattainment/maintenance for 8-hour ozone and/or particulate matter PM-2.5 (2006 standards);

(12) concentration of poverty in communities, by race/ethnicity/community;

(13) persistent unemployment in regions/by population;

(14) current distributions of employment opportunities by sector;

(15) existing regional economic assets and how they contribute to the current community condition;

(16) displacement of low-income residents and small neighborhood serving businesses from areas undergoing revitalization;

(17) impacts of economic contraction (particularly for older core communities);

(18) percent of employment within 1/4 mile of high-capacity transit;

(19) percentage of working age population with access to neither convenient, affordable public transit nor private automobile use;

(20) commute time for residents earning less than 200 percent of poverty according to U.S. Department of Health and Human Services guidelines;

(21) Acres of public recreation and park land per capita; with data provided for a regional total as well as by county;

in Rating Factor 2, and how the outcomes of the engagement will be reflected in the final plan.(e) Describe how the consortium will formulate a strategy to address the barriers to sustainability identified as a result of the regional visioning process. Include strategies for beginning to align any existing plans, both local and at the regional level, such as plans for land use (including zoning ordinances), transportation, air quality, water infrastructure, water quality, housing (including affordable and fair housing), economic development, open space, and recreation (including linking arts and cultural destinations to the regional transportation system).

(f) Describe how the region plans to deal with residential and small business displacement that could result from infrastructure investments that will increase land costs and property values. If the grantee identifies demolition or the conversion of any low- or moderate-income dwelling units as a viable strategy for redevelopment, the grantee must: (i) address why it has determined to demolish rather than to preserve those properties, (ii) identify the number of those properties that are reasonably expected to be demolished or converted, and (iii) address relocation assistance to residential and nonresidential displacements.

(g) Describe how the consortium will achieve regional consensus in support of the RPSD. Detail strategies for solidifying the participation of local independent jurisdictions in coordinated activities while acknowledging local autonomy, where appropriate. Explain how other public agencies and special districts will be engaged to advance elements of the Regional Plan. Describe plans to engage private sector and business interests that play significant roles in regional economic growth.

(h) Explain how other public agencies, including state agencies and special districts, will be engaged to advance elements of the RPSD.

(i) Describe how the consortium plans to implement the resulting regional vision.

(j) Describe how the consortium will establish and track metrics that gauge and guide the progress of plan implementation.

(3) Governance and Management (15 points).

(a) Detail the formal structure of the consortium, including its decision-making mechanisms and specific strategies to ensure that the perspectives of diverse and traditionally underrepresented populations directly influence the development and implementation of the RPSD. HUD will reserve five of the rating points for this item (5 points).

that are being targeted to be addressed, the long-term outcome desired for the region, and the element of the regional plan that will attempt to address that issue. It further allows the applicant to specify to benchmarks toward completion of each element of the plan at 6-, 12-, and 24-month intervals. The form should be reinforced by a narrative in the proposal (*10 points*) that describes the vision of the applicant detailing how it anticipates that the mandatory outcomes (and additional optional outcomes selected) will be addressed and what the impact will be of these outcomes being the focus of the proposed planning process. Together, these data should develop a clear framework for evaluation of applications for grant resources, and will provide a consistent basis for measuring the progress of awardees. These benchmarks will be incorporated within HUD's Logic Model during negotiations.

a. **Mandatory Outcomes** from the Creation of a Regional Plan for Sustainable Development

(1) Creation of regional transportation, housing, water, and air quality plans that are deeply aligned and tied to local comprehensive land use and capital investment plans.

(2) Aligned federal planning and investment resources that mirror the local and regional strategies for achieving sustainable communities.

(3) Increased participation and decision-making in developing and implementing a long range vision for the region by populations traditionally marginalized in public planning processes.

(4) Reduced social and economic disparities for the low-income, minority communities, and other disadvantaged populations within the target region.

(5) Decrease in per capita VMT and transportation-related emissions for the region.

(6) Decrease in overall combined housing and transportation costs per household.

(7) Increase in the share of residential and commercial construction on underutilized infill development sites that encourage revitalization, while minimizing displacement in neighborhoods with significant disadvantaged populations.

(8) Increased proportion of low and very low-income households within a 30-minute transit commute of major employment centers.

b. Additional potential outcomes from establishing a Regional Plan for Sustainable Development include, but are not limited to:

(1) Transformation of isolated, opportunity-poor, highly segregated areas into diverse neighborhoods that are open and accessible to good jobs, good schools and good environments;

(2) Increased proportion of homes and rental units affordable to a full range of household incomes close to high-quality transit service in urban areas or within traditional town centers in small towns and rural areas;

(3) Decreased number of neighborhoods with high concentrations of poverty and minority segregation;

(4) Increased proportion of affordable housing units that have high access to quality fresh foods;

(5) Increased proportion of affordable housing units located close to walking trails, parks, green space, and vital amenities such as hospitals and schools;

(6) More equitable distribution of housing that is affordable to all income levels throughout the target region;

(7) Improved public health outcomes that result from creating safer, more walkable neighborhoods;

(8) Decrease in the rate of conversion of undeveloped land into utilization across the region;

(9) Increase in the share of developed land in rural areas that is tied to existing infrastructure systems;

(10) Increased use of compact development as a tool for regional planning, either to accommodate population growth or to adjust to population decline within the target area;

(11) Increased proportion of the local population adequately prepared to participate in the core economic growth sectors of the region; and

(12) Increased access to high quality schools within the target region that improve educational outcomes over time for all residents and ensure that students graduate from high school, college and career-ready.

## 6. Preferred Sustainability Status (2 bonus points).

Consortia that apply while holding the FY2010 Preferred Sustainability Status will receive 2 bonus points. Please see the General Section for more information on Preferred Sustainability Status and the procedures for certifying that status.

awards based on geography, a balance in the range of regional population categories being addressed, and to ensure the final cohort of awards reflects the range of activities and impacts covered under the Livability Principles. The review team rank recommendations along with the original rank order scoring shall be provided to the selecting official.

## 2. Factors for Award Used to Rate and Rank Applications.

- a. Implementing HUD's Strategic Framework and Demonstrating Results. HUD is committed to ensuring that programs result in the achievement of HUD's strategic mission. To support this effort, grant applications submitted for HUD programs will be rated on how well they tie proposed outcomes to HUD's policy priorities and Annual Goals and Objectives, and the quality of proposed Evaluation and Monitoring Plans.
- b. The maximum number of points to be awarded is 104.
- c. The factors for rating and ranking eligible grantees under all categories, and the maximum points for each factor as described in Section V.A are summarized below:

Does the applicant intend to use funds from the Sustainable Communities Regional Planning Grant Program to:

1. Make conforming changes to local zoning, land use, financing, and development policies to align them with a RPSD?
2. Work with MPOs and state agencies to realign transportation investments in support of an existing RPSD?
3. Solidify regional agreements for water, waste, and natural resource management?
4. Launch employment initiatives that support regional workforce needs and implement programs targeting hard-to-reach populations?
5. Identify capital improvement costs and financing strategies for specific area, transit corridor, or regional affordable housing plans that support the existing RPSD?
6. Develop a comprehensive implementation schedule to place specific timetables on housing, transportation, environment, and economic development elements of an existing RPSD?
7. Establish a formal body that holds direct influence over the decision-making body for implementation of an existing RPSD and is comprised of diverse representation of the region's residents, including an emphasis on historically marginalized populations?
8. Conduct negotiations that formalize multijurisdictional agreements to implement elements of an existing RPSD?
9. Link elements of an existing RPSD to specific outcomes to be achieved during the next 18 to 36 months that resolve challenges identified in Factor 2 of this NOFA?

## B. Paperwork Reduction Act

The information collection requirements contained in this document have been approved by the OMB under the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501-3520) and assigned OMB control number 2501-0024. In accordance with the PRA, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection displays a currently valid OMB control number. Public reporting burden for the collection of information is estimated to average 80 hours per annum per respondent for the application and 16 hours per annum for grant administration. This includes the time for collecting, reviewing, and reporting the data for the application and other required reporting. The

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**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-5500-N-30]

Notice of Funding Availability (NOFA) for HUD's Fiscal Year 2011

**Sustainable Communities Regional Planning Grant Program**

**AGENCY:** Office of Sustainable Housing and Communities, Office of the Deputy Secretary, U.S. Department of Housing and Urban Development, (HUD).

**ACTION:** Notice of Funding Availability (NOFA) for the FY2011 Sustainable Communities Regional Planning Grant Program.

**SUMMARY:** The Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Public Law 112-10, enacted April 15, 2011) (Appropriations Act), provided a total of \$100,000,000 to HUD for a Sustainable Communities Initiative to improve regional planning efforts that integrate housing and transportation decisions, and increase the capacity of communities to modernize land use and zoning plans. Of that total, \$70,000,000 is available for the Sustainable Communities Regional Planning Grant Program, and \$30,000,000 is available for the Challenge Planning Grant Program.

The Sustainable Communities Regional Planning Grant Program supports metropolitan and multijurisdictional planning efforts that integrate housing, land use, economic and workforce development, transportation, and infrastructure investments in a manner that empowers jurisdictions to consider the interdependent challenges of: (1) economic competitiveness and revitalization; (2) social equity, inclusion, and access to opportunity; (3) energy use and climate change; and (4) public health and environmental impact. Of the \$70 million available for the Regional Planning Grants program, \$2 million has been reserved for capacity support grants distributed separately. This notice announces the availability of approximately \$67 million for Sustainable Community Regional Planning Grants, of which not less than \$17.5 million shall be awarded to regions with populations of less than 500,000.

HUD thanks the public for the comments and input received prior the development of the FY2011 NOFA.

3. *Consortium*. The term “consortium” means a grouping of units of government, regional planning agencies, nonprofit organizations, tribal entities, and allied public and private sector partners that seek to develop a Regional Plan for Sustainable Development or a Detailed Execution Plan and Program for a Regional Plan for Sustainable Development.
4. *Cooperative Agreement*. The term “cooperative agreement” means an agreement in which the Federal government provides funding authorized by public statute where substantial involvement is expected between the Federal government and the funding recipient when carrying out the grant activities.
5. *Equitable Land Use Planning*. The term “equitable land use planning” means zoning, land use regulation, master planning, and other land use planning that, at a minimum, furthers the purposes of Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, and the Fair Housing Act and are intended to achieve additional objectives for expanding housing choice (e.g., inclusionary zoning for housing designed for underserved populations on the basis of race, ethnicity, or socioeconomic group; incorporation of environmental justice concerns into planning decisions/outcomes; prohibition on the creation or maintenance of racial or ethnic enclaves (unincorporated areas surrounded by incorporated areas, often without access to public services or utilities); affirmative efforts to overcome the effects of segregationist laws and covenants; and coordination of housing development and public transportation to provide access to quality educational and employment opportunities).
6. *Indian Tribe*. The term “Indian Tribe” has the meaning given that term in 25 U.S.C. 4103(13).
7. *Livability*. The term “livability” is a measure of integration of the housing, transportation, environmental, and employment amenities accessible to residents. A livable community is one with multiple modes of transportation, different types of housing, and destinations located close to home.
8. *Metropolitan Division*. The term “metropolitan division” has the meaning given that term by the Office of Management and Budget. A metropolitan division is used to refer to a county or group of counties within a Metropolitan Statistical Area that has a population core of at least 2.5 million. A metropolitan division is a subdivision of a larger Metropolitan Statistical Area; it often functions as a distinct social, economic, and cultural area with the larger region.
9. *Metropolitan Planning Organization*. The term “Metropolitan Planning Organization” (MPO) has the meaning given that term in 23 U.S.C. 134(b) and 49 U.S.C. 5303(b).

applicants who prioritize additional measures to advance civil rights, such as Executive Order 11988, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, and Executive Order 13166, to Improve Access to Services by Persons with Limited English Proficiency. Federally recognized Indian tribes must comply with the nondiscrimination provisions enumerated at 24 CFR 1000.12, as applicable. See the General Section for further instructions on this requirement.

## 2. Affirmatively Furthering Fair Housing.

Section 808(e)(5) of the Fair Housing Act imposes a duty on HUD to affirmatively further the purposes of the Fair Housing Act in its housing and urban development programs. Accordingly, HUD requires recipients of HUD funds, including those awarded and announced under HUD's FY2011 funding notices, to take affirmative steps to further fair housing. Your application must include a discussion of how the proposed plans will affirmatively further fair housing.

Applications that include specific activities and outcomes that address this requirement will be rated higher under Rating sub-factor 3(a)(1) and (3)(b)(1) (see Section V.A.3). Applications from consortia whose members consist only of federally recognized Indian Tribes or and their instrumentalities are not subject to the affirmatively further fair housing application submission requirement. See the General Section for further instructions regarding this requirement.

(c) developing a viable financing plan to implement the housing plan, and (d) implementing strategies to eliminate the effects of discriminatory housing patterns and to further the goals of the Fair Housing Act.

*b. Incorporate equity and fair housing analysis into regional planning* through the development of a regional analysis of impediments to fair housing choice. To be eligible for meeting HUD's requirement for application submittals, a regional analysis of impediments must encompass the geographic area covered by the Regional Planning Grant and address the ability of residents to take advantage of housing opportunities throughout the area without discrimination because of race, color, national origin, sex, religion, disability, or familial status. For information on possible contents of and analytical methods used in analyses of impediments, see HUD's Fair Housing Planning Guide at <http://www.hud.gov/offices/fheo/images/fhpg.pdf>. The analysis should assess impediments to fair housing choice and link transportation, employment, and housing resources in order to promote fair housing and affordable housing in high opportunity areas, and adhere to and promote fair housing law as described in the General Section, including ensuring maximum choice in housing without discrimination because of race, color, religion, sex, national origin, familial status, and disability. Areas of high opportunity are those that provide employment, educational, recreational, public health, and service opportunities in the area or that are accessible via public transportation systems.

*c. Advance regional transportation planning* and the development of transportation networks including the expansion of transportation choices, including quality bus service, street cars, light rail, regional rail, ridesharing, express bus lanes, shuttle services, complete streets, bicycle and pedestrian pathways, and programs that offer alternatives to driving alone, such as rideshare or public transit incentives. Transportation plans should also address needed investments in street, highway, and transit infrastructure to support and complement those transportation choices with state-of-good-repair priorities. Activities should be designed to ensure improved air quality, reduced per capita greenhouse gas and particulate emissions, reduced travel times, greater transit supportive development (incorporating, to the degree possible, the full range of housing affordable to all ranges of family income), reduced runoff from roads, improved service for historically marginalized populations, and viable alternatives to automobile ownership. Transportation investments that have the potential to increase land values and ultimately elevate housing prices should demonstrate intentional strategies to prevent residential and small business

Proficiency. Federally recognized Indian tribes must comply with the nondiscrimination provisions enumerated at 24 CFR 1000.12, as applicable. See the General Section for further instructions on this requirement.

**5. Affirmatively Furthering Fair Housing.** Section 808(e)(5) of the Fair Housing Act imposes a duty on HUD to affirmatively further the purposes of the Fair Housing Act in its housing and urban development programs. Accordingly, HUD requires recipients of HUD funds, including those awarded and announced under HUD's FY 2010 funding notices, to take affirmative steps to further fair housing. Your application must include a discussion of how the proposed plan will affirmatively further fair housing. Applications that include specific activities and outcomes that address this requirement will be rated higher under Rating sub-factor 3(a)(1) and (3)(b)(1) (see Section V.A.3). Applications from consortia whose members consist only of federally recognized Indian Tribes or and their instrumentalities are not subject to the affirmatively further fair housing application submission requirement. See the General Section for further instructions regarding this requirement.

#### IV. APPLICATION AND SUBMISSION INFORMATION

**A. Pre-application.** In addition to the application forms found in the application package and download instructions on grants.gov, all applicants shall submit a statement of the amount of HUD funds requested, a map of the project geography, a declaration of its population range for application purposes, and a list of intended core consortium partners. Applicants intending to apply for a Category 2 grant must include a copy of the working Regional Plan for Sustainability that is the basis for the proposed work and that has been accepted within the region as the framing document for regional planning.

**B. Deadline Date for Pre-Applications.** Pre-applications must be received by Grants.gov no later than by 11:59:59 pm eastern time on August 25, 2011. Please carefully read the Notice of HUD's Fiscal Year (FY) 2011 Notice of Funding Availability (NOFA) Policy Requirements and General Section to HUD's FY2011 NOFAs for Discretionary Programs, posted on Grants.gov on April 4, 2011 which provides detailed instructions on what to do if your application is rejected and HUD's grace period policy. Applicants need to be aware that following receipt, applications

(22) occurrence of childhood obesity by ZIP code;

(23) the cost burden of water/wastewater infrastructure and operations and maintenance costs of proposed targeted growth areas relative a business as usual approach; and

(24) disproportionate concentration of environmental or human health hazards in low-income communities or neighborhoods where predominantly historically marginalized populations reside.

In evaluating this rating factor, HUD will consider the evidence that the applicant provides that elaborates on the need for a regional plan for sustainability and the conditions that could be improved through its implementation.

c. Area of Severe Economic Distress (1 point).

HUD will provide one point for regions: (1) experiencing a poverty rate exceeding 12.5 percent; (2) with median household income at 75 percent or less of the national average; and (3) featuring an unemployment rate at 1.2 times the national average.

3. Rating Factor 3: Soundness of Approach (50 points).

This factor addresses the quality and cost effectiveness of the applicant's proposed work plan. Applicants should develop a work plan that includes specific, measurable, and time-phased objectives for each major activity. Points will be awarded based on how the applicant documents that their proposed program will address the purposes of the Program (Overview Information) and Program Goals (Section I.C).

a. *Category 1 Applications:*

The product of a Category 1 visioning and planning exercise should be a Regional Plan for Sustainable Development (RPSD) that addresses and harmonizes existing plans and creates a new regional plan and vision of where future housing development (including affordable housing and fair housing choice), employment and education centers, transportation infrastructure, water infrastructure, and other investments should be made or located with the goal of promoting a more sustainable future for the region where housing, jobs, educational, cultural, and recreational opportunities are easily accessible to most residents of the region without having to drive to them. The planning horizon for a RPSD should be at least 20 years.

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA ex rel.  
ANTI-DISCRIMINATION CENTER OF  
METRO NEW YORK, INC.,

Plaintiff,

v.

WESTCHESTER COUNTY, NEW YORK,

Defendant.  
-----X

**STIPULATION AND ORDER OF  
SETTLEMENT AND DISMISSAL**

No. 06 Civ. 2860 (DLC)

WHEREAS, the development of affordable housing in a way that affirmatively furthers fair housing is a matter of significant public interest;

WHEREAS, the broad and equitable distribution of affordable housing promotes sustainable and integrated residential patterns, increases fair and equal access to economic, educational and other opportunities, and advances the health and welfare of the residents of the defendant County of Westchester, New York (the "County") and the municipalities therein;

**WHEREAS, the County receives federal funding for housing and community development,** including funds under the Community Development Block Grant ("CDBG") program, the Emergency Shelter Grant program, **the HOME Investment Partnerships,** and the Housing Opportunities for Persons with AIDS program;

WHEREAS, as a recipient of CDBG funds, the County must comply with, *inter alia*, the provisions of the Housing and Community Development Act, including the requirement that it affirmatively further fair housing ("AFFH") as set forth in 42 U.S.C. § 5304(b)(2);

WHEREAS, as an applicant for those funds, the County was required to certify – as a material condition of its eligibility to receive such funds – that it would AFFH;

WHEREAS, the United States and the County agree and acknowledge that: (i) pursuant to New York State law, municipal land use policies and actions shall take into consideration the housing needs of the surrounding region and may not impede the County in its performance of duties for the benefit of the health and welfare of the residents of the County; (ii) it is incumbent upon municipalities to abide by such law and for municipalities that are parties to the Urban County Cooperation Agreement to comply with that agreement, including the commitment to AFFH; and (iii) it is appropriate for the County to take legal action to compel compliance if municipalities hinder or impede the County in its performance of such duties, including the furtherance of the terms of this Stipulation and Order;

WHEREAS, the County was obligated to conduct an analysis of the impediments to fair housing choice within its jurisdiction (an “AI”), and obligated to take appropriate actions to overcome the effects of any impediments identified through that analysis;

WHEREAS, for the years 2000 to the present, the County has certified that it was in compliance with those requirements;

WHEREAS, the Anti-Discrimination Center of Metro New York, Inc. (the “Relator”) filed a civil action as a relator under the qui tam provisions of the False Claims Act, 31 U.S.C. §§ 3729 et seq. (the “False Claims Act”), against the County to recover damages allegedly sustained by the United States of America (the “United States” or “Government”) as a result of the County’s alleged violations of the False Claims Act during the period April 1, 2000 to April 1, 2006 (the “Relator’s Complaint”);

WHEREAS, the Relator alleged in particular that the County had failed to conduct a meaningful AI and failed to take appropriate steps to overcome existing and known impediments to fair housing arising from racial discrimination and segregation;

WHEREAS, the Relator further alleged that, as a result of such failures and inaction, the County's certifications to the United States to receive CDBG and other federal funds were false;

WHEREAS, the United States subsequently filed a notice of intervention pursuant to 31 U.S.C. § 3730(b)(4), and filed a Complaint-in-Intervention (the "Government's Complaint") against the County (i) to recover, under the False Claims Act, damages sustained by, and penalties owed to, the United States as the result of the County having knowingly presented or caused to be presented to the United States false claims to obtain federal funding for housing and community development, and (ii) seeking, pursuant to 42 U.S.C. § 5311(b), appropriate remedies for the County's non-compliance with community development requirements, including mandatory or injunctive relief;

WHEREAS, the United States Department of Housing and Urban Development ("HUD") contends that it has administrative claims against the County to address some or all of the alleged conduct set forth in the Relator's Complaint and the Government's Complaint;

WHEREAS, the County denies all of the allegations in the Relator's Complaint and the Government's Complaint, denies that it has any liability relating to these allegations, and denies that the United States was damaged by its actions;

WHEREAS, the County contends that it reasonably believed that it was complying with the requirement to AFFH because, among other things, the County maintains that: (i) it actively supported and gave priority status to the construction, rehabilitation, and preservation of affordable housing; (ii) it undertook to analyze impediments to housing opportunities and submitted AIs to HUD in 2000 and 2004; (iii) prior to the filing of relator's complaint, it never had its submissions or certifications to HUD disapproved or rejected; and (iv) the HUD Office of

Policy Development and Research identified the County in 2005 as a community that demonstrated effective sub-recipient management practices with respect to CDBG grants;

WHEREAS, this Stipulation and Order of Settlement and Dismissal (the “Stipulation and Order”) is neither an admission by the County of any liability or wrongful conduct nor a concession by the United States that its claims are not well-founded; and

WHEREAS, to avoid the delay, expense, inconvenience, and uncertainty of protracted litigation, pursuant to the terms set forth below, the United States and the County desire to reach a full and final compromise and resolution of the claims against the County in this action;

NOW, THEREFORE, in consideration of the mutual promises, undertakings, obligations and commitments set forth below, the parties hereto covenant and agree as follows:

#### **Subject Matter Jurisdiction**

1. The parties hereto consent to this Court’s exercise of subject matter jurisdiction over this action and personal jurisdiction over each of them.

#### **Administrative Payment to HUD**

2. **The County shall pay twenty-one million, six hundred thousand (\$21,600,000) into the County’s account with HUD in accordance with HUD’s administrative procedures. Such payment is for settlement of the claims brought pursuant to this action and not for the financing of a capital improvement.** The County shall make such payment by electronic funds transfer pursuant to written instructions that the United States Attorney’s Office for the Southern District of New York or HUD will provide to counsel for the County. HUD shall make those funds available to the County for the development of new affordable housing units that will AFFH in the County, provided that the County’s use and expenditure of the funds, and any program

income earned from the use of the funds, as defined by 24 C.F.R. § 570.500(a), shall be subject to the requirements of the CDBG program and the terms and conditions set forth in paragraph 7.

**Payment to the Federal Government  
to Settle False Claims Act Allegations**

3. **The County shall pay to the United States the sum of thirty million dollars (\$30,000,000) (the “Settlement Amount”), in full compromise and satisfaction of the False Claims Act allegations in this action.** This Settlement Amount shall constitute a debt due and owing upon entry of this Stipulation and Order by the Court, and shall be discharged upon payment to the United States, no later than ninety (90) calendar days after the Court’s entry of this Stipulation and Order. With respect to such payment, the County shall receive a credit of twenty-one million, six hundred thousand (\$21,600,000) for the payment to HUD set forth in paragraph 2. The County shall pay the remaining eight million, four hundred thousand (\$8,400,000) to the United States by electronic funds transfer pursuant to written instructions that the United States Attorney’s Office for the Southern District of New York will provide to counsel for the County.

**Relator’s Attorneys’ Fees Under the False Claims Act**

4. Pursuant to 31 U.S.C. § 3730(d)(1), no later than ninety (90) calendar days after the Court’s entry of this Stipulation and Order, **the County shall pay to Relator’s Counsel the sum of two million, five hundred thousand dollars (\$2,500,000) as expenses, attorneys’ fees, and costs in full settlement of Relator’s claims against the County.** The County shall make such payment pursuant to instructions that counsel for the Relator, no later than five (5) business days prior to the due date for payment, shall provide to counsel for the County. The United States has no liability or responsibility for the payment of the Relator’s expenses, attorneys’ fees, or costs.

**Mandatory and Injunctive Relief to Develop  
Affordable Housing to AFFH in Settlement of  
Housing and Community Development Act Claims**

5. The County shall, in full compromise and satisfaction of the Housing and Community Development Act claims in this action, undertake the mandatory and injunctive relief set forth below. To pursue such equitable relief, the County shall, in addition to the payment of the Settlement Amount described in paragraph 3, secure resources sufficient to ensure the equitable relief is funded by thirty million dollars (\$30,000,000) for County fiscal years 2009 through 2014 for land acquisition, infrastructure improvement, construction, acquisition, or other necessary direct costs of development of new affordable housing units that AFFH as set forth in paragraph 7.

6. The County shall meet the funding obligation set forth in paragraph 5 solely through County funds, and not from any Federal, State, or other funding sources.

**County's Development of Affordable AFFH Units**

7. Through the use of the funds set forth in paragraphs 2 and 5, the County shall, within seven (7) years of the entry of this Stipulation and Order, ensure the development of at least seven hundred fifty (750) new affordable housing units that meet the terms and conditions set forth in this paragraph ("Affordable AFFH Units"):

(a) No less than six hundred thirty (630) of the Affordable AFFH Units shall meet the following locational criteria:

(i) the municipality in which the units are to be developed had, according to 2000 Census data, both a "single race African-American only" population less than three (3) percent and a Hispanic population less than seven (7) percent, as calculated after removing people living in group

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## HUD's Overreaching Goes Far Beyond the Terms of the Housing Settlement

*By Westchester County Executive Robert P. Astorino*

The Journal News editorial of July 18 "Astorino Shirks Housing Duty" could not be more wrong. It is precisely because I take my responsibilities as county executive seriously that I felt duty bound to draw the line on the Department of Housing and Urban Development's unprecedented, unwarranted, and unhelpful overreaching with respect to the federal housing settlement.

Westchester's fair and affordable housing settlement with the federal government was approved in 2009 by my predecessor Andrew Spano and the Board of Legislators. As a candidate for County Executive, I opposed the settlement based on many of the concerns that are now proving true with haunting effect.

But upon becoming county executive in January of 2010, it became my responsibility to carry out the county's obligations under the settlement. To that point, I am extremely proud of the progress made by the county to date.

The county is about a year ahead of schedule when it comes to meeting the housing settlement's fundamental benchmark: building 750 units in 31 so-called "eligible" or mostly white communities over seven years. The county has 164 units approved by the federal housing monitor. Of these, 154 units have all their financing in place and 107 have building permits. Under the settlement, the county needed only to have financing in place for 100 units and building permits for 50 units by the end of 2011. The county has an additional 102 units in the pipeline awaiting approvals.

This progress is a direct result of the county's approach to work cooperatively with local municipalities. So far, the county has conducted more than 300 meetings with local officials, developers and nonprofit agencies, all with the goal of building consensus, avoiding litigation, and fulfilling the settlement's requirements.

So the issue is not Westchester County's compliance. The issue is HUD's backdoor attempts to force Westchester County to take actions that are not in the settlement, that are beyond the county's legal authority and financial means and that threaten the progress made to date.

By its own admission, HUD is demanding that the county go beyond the "four corners of the settlement." Such a demand is unacceptable. The settlement is a fully negotiated contract. HUD has no right to add new requirements.

There are a number of requirements in the settlement that I don't like. For example, I don't think it makes any sense for Westchester to be required to spend a large portion of the settlement's \$400,000 advertising budget to market the housing units to people who live outside the county when

there are more than enough Westchester residents who qualify. I also think the restrictions on seniors moving into the units go too far, hurting a group in particular need of affordable housing. There are also prohibitions on local workforce housing with preferences for police, firefighters, teachers and volunteers. But because the settlement is a legally binding agreement, you live with what's in it.

HUD's approach is to unilaterally move the goalposts in the middle of the game. Its technique is to repeatedly reject a routine document called an Analysis of Impediments (AI). The settlement calls on the county to submit an AI that's "acceptable" to HUD. The purpose of the AI is to outline obstacles to fair housing choice, which the county has done. Prior to the settlement, HUD had never rejected an AI by the county. But, now we are up to five rejections.

HUD is clearly using the AI to try to expand the terms of the settlement from a straight-forward stipulation to build housing into an open-ended, Utopian integration order, which HUD then plans to use as a model across the country.

The fundamental problem is that the facts, the law, economics, plain common sense, and the settlement itself don't support HUD's ambitions.

In its rejection letters to the county, HUD accuses Westchester of having a "long history of segregation." But it offers no proof, nor is there any finding of fact or admission by the county in the settlement. None.

What is true is that Westchester County, according to the most recent 2010 census, is one of the most diverse places to live in the United States.

- Westchester is the fourth most diverse county in New York, behind Brooklyn, Queens and the Bronx, tied with Manhattan, and ahead of Staten Island.
- If Westchester were a state, it would be the 7th most diverse in terms of Hispanic representation and the 14th most diverse in terms of African-American representation.

Critics say that while Westchester is diverse, its African-American and Hispanic residents are not evenly distributed throughout the county. True, but why? The forces at work here are economic – not racial discrimination. Proof is in the fact that without any help from the settlement, the Hispanic population of every municipality in Westchester increased over the last 10 years.

People have the right to live anywhere they like in Westchester and it's a right I stand ready to enforce to the full extent of the law. Where people live depends on the home they can afford. There are lots of homes in Westchester I would like to own, but can't afford. That's not discrimination. That's economics.

Money aside, people move to communities where they have family ties, social networks, transportation to get them to work, and a host of other factors on which they calculate future happiness and success. In large measure the housing patterns of our country have been built around the clustering of ethnic groups who came together to form support systems, maintain cultural traditions and accumulate political power. Witness America's history of Chinatowns, Little Italys, and other ethnic enclaves.

But HUD sees a great social ill in this, which it calls de facto segregation and is trying to use the settlement to cure it. Unfortunately and wrongly, HUD is only too willing to throw away common sense and trample on individual rights in its quest for bureaucratic social perfection.

Evidence of HUD's overreach includes the following unjustified demands:

- That the county dismantle local zoning laws, a power HUD knows full well the county does not possess as New York is a home rule state. The "specific zoning practices which must be addressed" include limitations on the size, type and number of developments in a community; lot size and density; and the number of bedrooms in a unit. In other words, all zoning. Communities will be given 90 days to enact changes and the county is required "to take action to counter community opposition," which of course raises a host of First Amendment issues.
- That half of the required 750 units have three bedrooms. This demand will dramatically increase costs from the allocated \$51.6 million to almost \$100 million. The additional cost is equivalent to an 8 percent increase in the county property tax levy.
- That the selected sites be in "above average" school districts, a term it does not define and arguably applies to every school district in the county. For example, the graduation rate for the worst performing public high school in Westchester is above average when ranked on a statewide basis.
- That the county investigate and regulate the lending practices of banks and get involved in loan modification efforts, activities that clearly go beyond the county's expertise and regulatory powers.

Why has this all come to a head now?

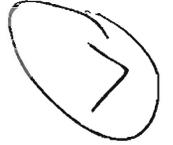
In rejecting the AI on July 13, HUD cancelled about \$7 million in funding that goes to the county and local municipalities. The consequences are both serious and bitterly ironic. Communities like Peekskill, Port Chester, Mount Kisco and Ossining, which are not part of the settlement, will be hardest hit from the loss of funding; and 18 county workers, including those responsible for implementing the settlement, will lose their jobs in August.

I went public earlier this month to make sure everyone was aware of the full consequences of HUD's actions to try to force the county to accept the unacceptable.

On Wednesday, I will meet in Washington with HUD Secretary Shaun Donovan. My hope is that as reasonable people we can work through our differences in ways that will benefit our county and nation. Whatever the outcome, I will be there to carry out my full responsibilities as County Executive and to protect the interests of the county and all its residents.



RECEIVED  
FEB 15 2012  
ROCKINGHAM PLANNING  
COMMISSION



**SUB-AGREEMENT For  
NH Sustainable Communities Regional Planning Program**

WHEREAS, New Hampshire's regional planning commissions (RPCs) have agreed to participate jointly in a consortium to implement the NH Sustainable Communities Regional Planning Program;

WHEREAS, the Nashua Regional Planning Commission (NRPC) is the primary recipient of US Department of Housing and Urban Development Cooperative Agreement No. NHRIP0062-11, which provides for collaborative effort to be implemented through appropriate contractual arrangements;

WHEREAS, the Nashua Regional Planning Commission (NRPC) is the coordinating entity for the Regional Planning Program Project;

This sub-agreement is entered into by and between the Nashua Regional Planning Commission (NRPC) and the Rockingham Planning Commission (RPC).

NOW THEREFORE, the parties agree to the following terms:

1. Scope of work. RPC will participate in completing the scope of work for the Regional Planning Project as set forth in Attachment 1. RPC agrees to provide all labor, materials, equipment, and facilities necessary to accomplish the work required under this sub-agreement. Further, RPC represents that all work and services it provides will conform to high professional standards in the field.
2. Deliverables. RPC is responsible for the deliverables and timeframe outlined in the Scope of Work in Attachment 1.
3. Period. Work performed under this sub-agreement may begin upon execution of this Agreement. The maximum period of this sub-agreement is January 31, 2015.
4. Compensation. NRPC shall compensate RPC for services provided under this sub-as set forth in the budget included as Attachment 2. Billing is to occur on a monthly basis and invoices must be received by NRPC by the 8<sup>th</sup> of each month to be included in the upcoming billing cycle. A format for use in preparing invoices is included as Attachment 3. Amounts contained in invoices are to reflect the indirect rate established in accordance with OMB Circular A-87 and in effect for the billing period. NRPC will bill HUD on behalf of the RPCs and will disburse funds accordingly to the RPCs following NRPC's receipt of funds from HUD. NRPC is not, under any circumstances, obliged to make any payment disbursement under this sub-agreement for grant funds which are not first made available by HUD.

Upon request by NRPC or HUD, RPC shall refund any payments received for what are, as a result of an audit, determined to be unallowable expenditures. RPC, however, has the right to establish allowability of any such expenditures. NRPC may withhold payments pending receipt of reports referred to in paragraph 9. D. of this sub-agreement.

5. Match. The grant requires the use of a combination of cash and in-kind volunteer match. RPC commits to providing documentation for both cash and volunteer match contributions on monthly invoices.
6. Indirect Rates. RPC will provide NRPC in writing its indirect rate established in accordance with OMB Circular A-87 and any updates to this rate throughout the period of the project as described in Paragraph 2.
7. Hold Harmless. The Parties to this sub-agreement assume all risk of personal injury and property damage attributable to the negligent acts or omissions of its personnel. Further, RPC shall indemnify and hold harmless NRPC in its participation in the Regional Planning Program.
8. Contacts. Communications regarding this sub-agreement should be directed as follows:

For NRPC:

Kerrie Diers, Executive Director  
Nashua Regional Planning Commission  
9 Executive Park Drive, Suite 201  
Merrimack, NH 03054

For RPC:

Cliff Sinnott, Executive Director  
Rockingham Planning Commission  
156 Water Street  
Exeter, NH 03833

9. Byrd Anti-Lobbying Amendment (31 U.S.C. 1352). RPC certifies, to their knowledge and belief, that:
  - A. No Federal appropriated funds have been paid or will be paid by or on behalf of RPC, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352.
  - B. If any funds other than Federal appropriated funds have been paid or will be paid by or on behalf of RPC, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352, NRPC shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
10. General. RPC understands and acknowledges the following:
  - A. In the event that RPC is unable to complete the work requirements or deliverables to the satisfaction of NRPC or HUD, and no agreeable remedy can be determined, compensation for

work under this agreement shall cease and NRPC or another entity will be assigned to complete the work.

B. In entering into this sub-agreement, RPC is subject to the provisions as expressed in the Agreements between NRPC and USHUD included as Attachment 4, and specifically includes:

- a. HUD-1044 and HUD 1044 Continuation sheet
- b. Grant Agreement Terms and conditions
- c. HUD 424-CBW, Total Budget Summary
- d. Grant Deliverables
- e. Work Plan/Logic Model
- f. OMB Circulars A-87, A-133 and A-102, which is incorporated in 24 CFR Part 85
- g. Office of Sustainable Communities (OSHC) Program Policy Guidance
- h. Notice of Funding Availability.

C. In entering into this sub-agreement, RPC agrees to maintain adequate financial records, in accordance with generally accepted accounting practices, to clearly identify expenses, describe the nature of expenses and establish relatedness to work performed under the sub-agreement. Such financial records must be made available for inspection by NRPC or USHUD.

D. In entering into this sub-agreement, RPC is subject to the provisions as expressed in the Proposal which is incorporated herein by reference.

E. All attachments are incorporated into and made part of this sub-agreement.

11. Signatures. The Parties enter this sub-agreement by signing below: NRPC, through its Executive Director; RPC, through its authorized agent.

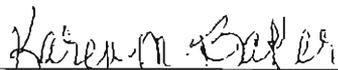
**NASHUA REGIONAL PLANNING COMMISSION:**

  
\_\_\_\_\_

Kerrie Diers  
Executive Director

2/6/12  
\_\_\_\_\_

Date

  
\_\_\_\_\_

Witness

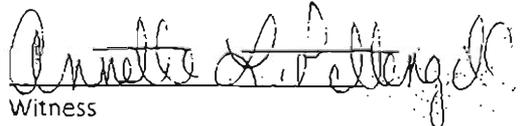
**ROCKINGHAM PLANNING COMMISSION:**

  
\_\_\_\_\_

Cliff Sinnott  
Executive Director

2/6/12  
\_\_\_\_\_

Date

  
\_\_\_\_\_

Witness

## Attachment 1 - Scope of Work NH Regional Planning Program

Each of the nine regional planning commissions will work within a statewide and coordinated framework to develop independent Regional Plans and participate in the development of a single overarching Policy Plan for NH.

### TASK 1: ADMINISTRATION

- A. Memorandums of Understanding and Contracts for Partners  
Obtain MOUs from municipal and county partners who submitted letters of commitment by May 1, 2012.
- B. Program Monitoring and Reporting  
Submit monthly and bi-annual reports.

### TASK 2: STATEWIDE COORDINATION

- A. Executive Committee  
The Executive Director will serve on the Executive Committee which is the overall decision-making body for the Consortium to allocate resources, set goals, guide program alignment between regions, monitor progress, establish common methodologies, ensure overall coordination and efficiencies, and resolve differences. This committee will meet monthly to monitor progress of the program provide overall direction.
- B. Policy Committee  
Serve on the Policy Committee as needed. The PC is comprised of statewide partners and 2 RPC directors and will incorporate the work of the TLU Roundtable and recommend a consistent statewide policy framework to the Executive Committee. The Policy Committee will also review the findings and finished products of each of the nine Regional Plans and assess their consistency with each other and the Livability Principles.
- C. Technical Advisory Subcommittees  
RPC staff will serve on two Technical Advisory Subcommittees (TASCs). These TASCs are based on the six NH Livability Principles developed by the TLU Roundtable plus equity and outreach. Each subcommittee will be chaired by a member of the Policy Committee. The subcommittees, comprised of statewide subject matter experts, will provide technical assistance and coordination of the planning process, over the three-year project timeline.
- D. Conclusion of the Transportation and Land Use Roundtable  
Participate with the Transportation and Land Use Roundtable that has begun the process of developing a Regional Planning Process Policy Framework and template for regional plans.

E. Summit to Kick Off Project

Participate in developing and attending the kick off summit.

F. Select Metrics and Evaluation Measurements

The Executive Committee will work closely with HUD, the Transportation Land Use Roundtable and Statewide Policy Committee to identify the outcomes and indicators we will use to monitor our progress over time. Metrics will directly correlate to the planned OUTCOMES and are organized as:

1. Baseline Data (HUD Logic Model)
2. Short Term 1-3 Years: Planning Process Measures
3. Mid Term 3-5 Years: Benchmark Performance
4. Long Term 5-20 years: Implementation Effect (TLU Roundtable)

The outcome indicators will be tracked throughout the state and will be outlined in the Regional Planning Framework. Sources of existing measures to be considered for the above sets of metrics include:

1. Indicators to measure the eight outcomes identified by HUD (NOFA Section V.A.5.a);
2. Indicators selected from those listed in the NOFA, Rating Factor 2 list;
3. Metrics included within the HUD Logic Model; and
4. Existing indicators and other data that the Executive Committee and Policy Committee recommend based on research experience and knowledge of related literature.

G. Establish Coordinated Statewide Policies

Using the NH Livability Principles the Policy Committee will work with the Project Manager to define a set of Policies that will guide the planning process amongst all nine regional planning commissions in a coordinated fashion. This will acknowledge that while each region is aptly utilizing a regional planning approach, there are interrelationships between each regional planning commission in the state given their proximity and natural connections be it transportation corridors or natural features that transcend regional boundaries. Additionally, the unified set of policies will be presented to the Governor's office, by the Executive Committee for consideration by the State Government.

H. Establish Methodology to Prioritize Regional Projects

I. Existing Conditions and Trends Assessment

Provide staff support to the Technical Advisory (TA) Subcommittees, made up of NH's experts on transportation, housing, water, economic development, natural resources and other infrastructure, will use the NH Livability Principles as a framework for discussing and compiling the conditions and trends identified in existing statewide plans such as the Long Range Transportation Plan, Water Primer, NH Climate Action Plan, Consolidated Plan for Housing and Wildlife Action plans. Additionally, the assessments will include a review of all data included within the grant application's statement of need along with other data that has already been collected by our partners.

J. Develop Metrics, Data Collection and GIS Framework for Regional Planning

The RPCs and other partners in the Consortium will collect indicator data. That indicator data will be compiled annually and coordinated with the State's Progress Scorecard being developed by the NH Energy & Climate Collaborative. The Collaborative has dedicated staff that will work with the RPCs to ensure the sustainable communities indicators are incorporated into the Scorecard so that there is one tracking and scoring tool and report for the State to document implementation of both the Climate Action Plan and sustainable communities planning efforts, over time.

UNH Complex Systems and the Executive Committee will coordinate the data collection efforts. Some data will be gathered from existing reports and data sets within the NH GRANIT System at UNH, our State's GIS Clearinghouse and within our partner's databases. Some regionally specific data will be collected by the RPCs, as necessary. NH GRANIT will serve as the Consortium's data advisor, sharing core data from the state archives available to the SCI and ensure that we establish and implement appropriate standards as we compile the SCI database.

K. Complete Reviews of all Regional Plans Within Overall Framework

The Policy Committee will ensure that the Regional Plans and the Statewide Policy Framework are aligned with one another and with existing state plans.

L. Consolidate Regional Plans into a Single Statewide Development Policy Framework

The Program Manager with guidance from the EC and Policy Committee will develop a Statewide Development Policy Framework that articulates statewide priorities for achieving each of the six Livability Principles and nine Regional Plans:

M. Seek Endorsement of the Statewide Development Policy Framework

The EC will seek endorsement of the plan by the NH Council on Resources and Development, predominantly comprised of NH SCI state agency partners, which will help to ensure that state agencies institutionalize the plan and that sources of funding align with the plan. The plan will be presented to the Governor and OEP for State Government endorsement and inclusion within the State Development Plan.

### TASK 3: REGIONAL PLANNING

A. Engage Local Partners to Form Regional Advisory Committees

Each RPC will establish a Regional Advisory Committee that meets their region's unique needs. Duties will include: conduct and facilitate the RPSD and outreach processes, review local information, recommend adoption of the plans to the RPC Commissions (Boards), prioritize implementation, participate in consensus plan process, and track progress. The Regional Advisory Committees will identify any additional common barriers and strategies and bring these to the Policy Committee.

B. Establish Regional Strategy for Outreach

Each of the regional planning commissions will utilize the various communications and outreach products and processes described above to develop individualized strategies for outreach. The regional advisory committees and regional equity teams will advise on the best manner to achieve the greatest results in terms of engaging the largest number of participants and ensuring a diversity of participation. Regional outreach will be coordinated with other ongoing efforts such as Healthy Eating Active Living's work with its local coalitions that are currently growing across the state.

C. Review of Regional Conditions, Existing Plans and Trends

Each region will begin with statewide assessment and framework prepared in Phase 1 and distill them into a regional context to create a customized assessment of existing conditions and set a baseline for visioning and planning efforts. Consortium Partners with expertise in each subject area will assist the regions by providing technical assistance and support. The review of regional conditions, existing plans and trends will be completed to refine the Regional Planning Framework into a specific visioning process that guides implementation strategies and help to prioritize projects within each region. The data collected, which will include items such as Vehicle Miles Traveled, land preserved, transportation choices, proximity to affordable housing, and State multi-modal transportation investments, will be included in our State's Scorecard managed by the NH Energy & Climate Collaborative.

D. Planning Process Template Customized for Each Region

E. Regional Visioning Sessions

The RPCs will follow a consistent process to engage their constituents and conduct a regional visioning process. The end product will be a vision statement that describes the region's overall vision for Development for the next 20 years. The Regional visioning and planning sessions will include local partners such as housing coalitions, transit providers, the local arts community, Chambers of Commerce, etc. in addition to the numerous municipal and county partners.

F. Develop Regional Comprehensive Needs Assessment

The region's current status, strengths and needs will be assessed relative to the HUD and NH Livability Principles. Baseline assessments of social, economic, transportation, land use, demographics, climate change, housing, neighborhood walkability and safety and health-related conditions and characteristics of the regions will be completed in each of the nine regions. Input data will be collected by RPC's at the regional level using defined data standards developed by the Executive Committee in collaboration with the TA Subcommittees and the data advisor for UNH Complex Systems. Sources for this data include U.S. Census, the UNH GRANIT statewide GIS clearinghouse, state agencies and regional and local datasets.

Due to the extended geography of the overall project region (State of NH) all data outcomes will aggregate data to the Census Block at the smallest geography. Some data, produced from land use/land cover modeling, may represent differing areas than Census Blocks, but will not be at household or parcel levels. Some smaller geographies will be used as inputs in the analysis, including conservation lands, employment centers, major attractions, road segments, some parcels and building points. Some scenario outcome data will be collected only at the regional, county and state levels. Data sets and spatial data layers will be uploaded to each RPCs website and integrated with both NH GRANIT system and OEP.

G. Develop Regional Goals and Priorities

Following the visioning process and needs assessment the RPCs will use those products throughout the course of a public process to develop goals and policies that address the intersection of the state's various regional plan components established in RSA 36:47 and the NH Livability Principles.

H. Develop Plan Components

The NH Regional Planning Program will result in A Statewide Policy Framework that articulates statewide priorities for achieving each of the six Livability Principles and Nine Regional Plans, one for each of the state's planning regions that will aggregate local and regional issues including those voices generally marginalized, set the framework for implementation, and provide a roadmap to become sustainable by addressing the Livability Principles.

1. Vision Statement that describes the overall vision for Development over the next 20 years. The RPCs will follow a consistent process to engage their constituents and conduct a regional visioning process and a Comprehensive Needs Assessment of the region's current status. Strengths and needs will be assessed within each of the areas described in the Six Livability Principles. The Needs Assessment will set the stage for the Goals and Priorities for the region within each of the six Livability Principles will be developed and further refined.
2. A Housing Plan that examines a range of existing and projected housing need by type and tenure that is available to all ranges of family income. NHHFA will work with the RPCs to coordinate the regional Housing Needs Assessments (HNA) with the State HNA align the principles and objectives of the State Consolidated Plan with the HNA of each region to create the RPSD's housing plan component. NHHFA has committed funding to conduct a Housing Preferences and Needs Study for incorporation into the regional plans that will combine a quantitative analysis of current demographics, housing utilization and needs with a qualitative analysis of New Hampshire households' current housing conditions and future housing plans and preferences.
3. A Regional Analysis of Impediments to Fair Housing Choices that addresses the ability of residents to take advantage of housing opportunities throughout the area without discrimination. Local land use regulatory controls, one obstacle to fair housing choice

identified within the 2010 Analysis of Impediments to Fair Housing Choice in NH, will be addressed by each of the RPCs in their RPSDs. NH Housing will guide the RPCs in analyzing regional analyses of fair housing impediments and to understand the various mechanisms they may employ to reduce local regulatory barriers to affordable housing and ensure integration and consistency with the State Analysis of Impediments to Fair Housing Choice (AI).

4. Regional Transportation Planning that examines regional networks, expansion of choices and places an emphasis on enhancing public transit, biking, and walking. Transportation is a key component to achieving equity within our communities given NH's relatively high cost of transportation. Plans will propose implementation strategies to reduce economic barriers and impacts to natural resources, enhance public health opportunities, improved air quality and opportunities for creating location efficient housing, and reduce energy consumption and greenhouse gas emissions.
5. Water Infrastructure Planning to insure that investments in drinking water, wastewater and stormwater systems support the sustainability of the community and are aligned with municipal and regional land use goals and policies.
6. Environmental Planning that evaluates land use decisions and develops strategies to sound environmental planning and evaluates opportunities to enhance natural resource connectivity for both ecological purposes and human health benefits. A well-connected system of trails, parks and open space provide low to no cost fitness and healthy recreation opportunities for citizens. Additionally, maintaining large unfragmented open space and conservation networks further support our state's natural heritage and economy that depends upon the state's pristine environmental resources.
7. Economic Development Planning that investigates and proposes strategies that will enhance community vitality and job growth. This includes the intersection of economic development opportunities, employment, cultural events, education, public health and social equity. Economic stability is integrally linked to early childhood development programs, inclusion of minority residents in education and training opportunities, access to safe and fair housing, transportation opportunities to get to work and seek medical care when needed. The Consortium has partnered with HEAL and DHHS, both implementing entities for the 2010 State Plan to Address Health Disparities and Promote Health Equity in NH, which focuses on achieving economic stability and health equity. The regional economic development plan components will be founded upon an economic analysis that considers the region's comparative economic advantages, emerging opportunities, and incorporate much of the scenario planning work described below.

8. Comprehensive Climate Change Impacts Assessments that evaluate a range of likely climate change impacts and are used as a basis for defining adaptation actions and strategies. UNH's Carbon Solutions New England will prepare Comprehensive Climate Change Impact Assessments for each of the regional planning commissions. They will begin with the Northeast Climate Impacts Assessment (NECIA) that provides a detailed analysis of the impacts of future climate change and variability over the 21st century. UNH will combine the results from NECIA, with NH-specific climate impact assessments that are currently underway. These, in turn, will serve as the basis for completing regional climate impact assessments.
9. Energy Efficiency and Green Building Planning will build upon the Regional Planning Commissions existing partnership with OEP and CLF Ventures to support local planning for energy efficiency through the Energy Technical Assistance and Planning (ETAP) program. The RPCs will utilize data collected through ETAP to establish a baseline and inform a regional strategy for energy efficiency and green buildings. NHCDFR will coordinate its findings through its US Department of Energy funded Better Buildings program and best practices, lessons learned, and associated economic development data related to clean energy jobs and energy savings. Outcomes: Baseline data on municipal energy use and building assessments.
10. Scenario Planning will be used to assess the outcomes and performance goals of various land use, economic development and infrastructure investment scenarios and will form a key component of stakeholder involvement. The planning commissions will utilize data collected through the planning process, regional buildout and economic modeling scenarios, as well as data provided by NH CDFR's Better Building Program to project a variety of regional development outcomes, including the potential impacts of new development and job creation and suggest policies, actions and strategies to respond to them. Municipal policies, land use ordinances, and current growth trends, will be used as a framework to develop scenario planning approaches that are stakeholder driven and integrated into the community engagement process. Scenario planning will develop a shared vision for the future by analyzing various forces (e.g., health, transportation, economic, environmental, land use, etc.) that affect growth or, as is the case in northern NH, outmigration.

The parameters of the scenario planning process will be coordinated through the Executive Committee so that there is consistency between the nine RPCs, however, each region will conduct its own scenario planning exercises. Region specific scenarios will be developed based on the unique needs, land use and economic development characteristics and stakeholder interest. The scenario planning exercises will be used as a decision support tool to provide valuable information about growth trends, trade-offs and consequences.

Depending on each region's specific growth expectations, land use patterns, and economic trends, the nine regions will utilize at least one of the following tools for Scenario Planning:

- New Hampshire Economic and Labor Market Information Bureau's REMI econometric model that is able to simulate the impact to regional economies (county level) of changes in sector employment, transportation infrastructure and development (a minimum of one such exercise will be completed for each region);
- Leveraging existing GIS systems in each region, regional and State' GIS data sets, and analysis software (CommunityViz Scenario 360 Scenario 3D) to prepare spatial quantitative analyses of land use and development scenarios;
- Existing and updated travel demand models to evaluate land use and transportation policy scenarios and VMT impacts; and/or
- Fairpoint's Connect NNE Economic Scenario Model tool which provides information on existing economic conditions and estimates potential impact from new development and job creation scenarios.

Based in part on scenario outcomes, each region will determine the specific economic development, infrastructure investment and land use policy changes that should be incorporated into its regional plan to ensure a sustainable future.

11. Implementation Plan that details who will champion the priorities, how they will be accomplished, potential funding sources and timeframes for completion. This will include a section on Metrics and the process to monitor progress and make any necessary course adjustments.

I. Regional Implementation Strategies and Prioritization of Projects Complete

Each of the regional plans will establish an implementation plan that will spell out who will champion the priorities, how they will be accomplished, potential funding sources and the timeframe for completion.

J. Plan Formally Endorsed by RPC Commissions

Once all nine RPSDs are complete and have been reviewed by the Sustainability Policy Committee, each RPC will seek formal adoption of the plan by its Commissioners. Copies of the regional plans will be made available to each town office and public library within the state and to participants of the public process.

#### TASK 4: EQUITY AND ENGAGEMENT

A. Establish Regional Strategy for Ensuring Equity in the Planning Process

While New Hampshire's overall population is relatively homogenous, there are regional disparities and opportunities to promote more inclusive communities and enhance economic opportunities. The ultimate solutions will vary between each of the nine regions dependent on the specific demographic and economic characteristics. For example, the State's minority populations are clustered within southeastern communities and the northern most tier of the state faces the greatest economic challenges.

B. Engage Local Partners to Form Regional Equity Teams

Regional Advisory Committees will establish a Regional Equity Team that is comprised of representatives of underserved and marginalized populations in their region that will ensure the voices of these populations are reflected in the RPSD. The Regional Equity Team's input in the nine regional plans is a critical component of the planning process and ensuring a broad spectrum of local participation and inclusion during the planning process.

C. Coordinate Statewide Opportunities to Promote Equity in Planning

The NH Department of Health and Human Services (DHHS), along with its partner the Family Assistance Advisory Council, will advise the Policy Committee and the Regional Advisory Committees based upon their expertise in facilitating development of regionally based health and social service delivery systems including coordinated transportation networks and supporting housing development. DHHS will also look to assist in transforming other services such as childcare sustainability, which is vital to economic opportunities for the State's lowest-income populations. DHHS will work with the RPCs to ensure the needs of all citizens, including underserved and marginalized populations, are carefully considered in the development of NH's community infrastructure.

Healthy Eating Active Living (HEAL) will play an active role to address health disparities across the state through the lens of promoting economic and social opportunity. HEAL will serve on the Sustainability Policy Committee, a TA Subcommittee, and as an advisor to the RPC's and their RACs, to identify strategies and resources to improve public health outcomes, provide access to HEAL's coalitions for input on the regional planning process, leverage Foundation for Healthy Communities outreach to low-income persons, residents of public housing, minorities, limited English and on-English speaking persons and persons with disabilities. In addition to providing connections and assistance with outreach to underserved and marginalized populations, HEAL will work with the SCI consortium to coordinate and align the State Plan to Address Health Disparities and Promote Health Equity in New Hampshire. Particularly, alignment between the two efforts should occur within HEAL's efforts to implement the Economic Stability objectives. Points of alignment with their Economic Stability objectives within the State Plan to Address Health Disparities and Promote Health Equity in New Hampshire:

- Assist minority residents in securing housing in safe and accessible neighborhoods.
- Encourage employers to promote resources, recruitment and opportunities for training and retention of racial and ethnic minorities, including staff and leadership positions.
- Expand transportation options and improve use of existing options to connect individuals to transportation needed for health visits, including chronic care treatment.

## D. Statewide Communications Development

### 1. Work with Action Media:

#### a. Leadership Communications Workshop

Attend a day-long meeting with representative members of the EC, SPC, Equity and Engagement TASC, and Regional Planning Commissions.

#### b. Webinar Presentations and Final Communications Strategy Report

Participate in on-line presentations and group discussion of the Interim Report with Action Media and members of key committees, and allied organizations. Webinars will be conducted three times, clustering the RPC's in groups of three, to allow for detailed group discussion of specific local considerations in each region, and how these might add to or amend the recommendations. Following these webinars AM will provide a revised Final Communications Strategy Report with modifications and/or addenda as appropriate.

#### c. Communications Development

Working with the EC, SPC, and AM to identify key media to be used, based on strategy developed above. These media will include websites, publications, news releases, direct mail online, and audio and video pieces. AM will develop content for these media and manage their production, in close consultation with identified members of project leadership.

#### d. Grass-roots implementation

Set up training for ActionMedia with citizen activists, on the use of these materials for mobilizing identified populations to participate directly and on an on-going basis in regional planning. This is a key training, because it will provide citizen messengers with an opportunity to practice their communication skills, and will establish a basis for direct consultation as they proceed to do this work.

### 2. Work with Carsey Institute

The Carsey Institute and NH Listens will partner with UNH Cooperative Extension to develop and lead a three-tiered Community Engagement Framework to be implemented in chronological order as follows:

#### a. Communities of Interest (COI)

In each region, the RPC along with the Equity Team will work with Carsey Institute to identify and engage specific interest groups made up of underserved populations. This will include but not be limited to the NH Minority Health Coalition, the Latin American Center (Manchester), NH ABLE (a self-advocacy group for people with disabilities), the Interfaith Refugee Resettlement Program (Concord) and International Institute of NH (Manchester), NH Legal Assistance (representing welfare rights organizations), resident-owned communities (ROC's), NH's six community action programs, youth advocacy organizations across the

state, and senior citizen centers. Carsey Institute and RPCs will conduct up to three dialogue events in each of the nine regions with representatives from these constituencies (for a total of 20-25 COI focus groups). Because of their historical marginalization from civic initiatives, RPCs will work in neighborhoods and settings that are familiar and design dialogue processes that allow for the safe, confidential expression of views. Our focus in these dialogues will be on how natural and built environments affect the social, economic, cultural, and political lives of these populations.

b. Communities of Place (COP)

The Executive Committee will identify 12 communities across NH, representing geographic and demographic diversity, where public conversations will be conducted on the question, *"How can the places we live, work, and learn accommodate our needs long-term in a meaningful way for ALL our residents?"* Grounded in the NH Livability Principles and guided by NH Listens' core commitments to inclusive, civil, and safe dialogue, these community-based, facilitated dialogues will draw on the results of the Community of Interest focus groups, create expanded opportunities for wider participation from both the "usual suspects" and underserved, underrepresented populations, and emphasize the particular nature of the place in which the conversations are occurring. The Regional Advisory Committees will support the participation of members of the COI focus groups (above) through provision of transportation, child care, and other services necessary to offset financial and personal costs.

c. Regional Forums (RF)

Work with Carsey Institute to implement the third stage of the Community Engagement Framework which will entail four regional public forums statewide that will encompass groups of two or three regional planning regions. Participants in the Regional Forums will be drawn from the COI and COP dialogues, and will also be open to other residents in these areas. The purposes of the RF's will be to a) aggregate the recommendations that emerge from the COI and COP dialogues, b) modify and expand those recommendations to reflect regional interests, and c) recruit members of Regional Equity Teams for each of the nine RPC's.

E. Regional and Local Engagement Process

Conduct the following additional outreach and engagement efforts, as needed, to ensure a broad cross section of participation:

1. Neighborhood Conversations recognize that many people are uncomfortable participating in public meetings and establish a mechanism to engage those individuals at the more casual neighborhood locations (i.e. local diners and coffee shops, PTA group meetings, local transfer stations, etc.);

2. Regional Workshops: To build successful participatory workshops, aimed at maximizing community participation and engaging a diverse audience, the Regional Advisory Committees will work in collaboration with NH Listens to develop a series of workshops to be held at various locations around each region to encourage meaningful dialogue between community members and planners; and
3. Regional Equity Team Events: With the help of the Equity and Engagement Technical Advisory Subcommittee, each RPC will engage underserved and traditionally marginalized populations to serve on a Regional Equity Team, part of the overall Regional Advisory Committee. Each will work on specific equity planning issues through workshops and charrettes held at locations selected to maximize participation of underserved populations such as local manufactured housing park meetings, centers for non-English speaking residents, and senior centers, just to name a few. Regional Equity Teams will identify targeted audiences so to best match the variations in population diversity across the state.

#200AA-173

**ATTACHMENT 2- NH REGIONAL PLANNING PROGRAM BUDGET**

Consortium Members	HUD/Grant Share				Match Cash or In-Kind Time	Total Project Costs
	Project Year 1 Grant	Project Year 2 Grant	Project Year 3 Grant	Total Grant		
NRPC- Program Administration	\$155,832	\$155,832	\$155,832	\$467,496		\$467,496
Central NH RPC	\$80,000	\$120,000	\$100,000	\$300,000	\$77,479	\$377,479
Lakes Region Planning Commission	\$80,000	\$120,000	\$100,000	\$300,000	\$79,130	\$379,130
Nashua RPC	\$80,000	\$120,000	\$100,000	\$300,000	\$109,980	\$409,980
North Country Council	\$80,000	\$120,000	\$100,000	\$300,000	\$200,000	\$500,000
Rockingham Planning Commission	\$80,000	\$120,000	\$100,000	\$300,000	\$77,800	\$377,800
Southern NH Planning Commission	\$80,000	\$120,000	\$100,000	\$300,000	\$120,004	\$420,004
Southwest RPC	\$80,000	\$120,000	\$100,000	\$300,000	\$85,311	\$385,311
Strafford RPC	\$80,000	\$120,000	\$100,000	\$300,000	\$75,000	\$375,000
Upper Valley Lake Sunapee RPC	\$80,000	\$120,000	\$100,000	\$300,000	\$84,616	\$384,616
Community Dev. Finance Authority					\$6,192	\$6,192
New Hampshire Housing					\$149,817	\$149,817
NH Department of Cultural Res					\$13,269	\$13,269
NH Department of Emp. Sec.	\$33,600			\$33,600		\$33,600
NH Department of Env. Services	\$5,000	\$5,000	\$5,000	\$15,000	\$30,000	\$45,000
NH Dept. of Health & Human Srv.					\$13,063	\$13,063
NH Dept. of Resources & Ec. Dev.					\$3,000	\$3,000
NH Department of Transportation					\$12,000	\$12,000
NH Office of Energy & Planning					\$8,387	\$8,387
University of New Hampshire	\$45,878	\$40,687		\$86,565	\$24,196	\$110,761
Conservation Law Foundation					\$9,000	\$9,000
Family Assistance Advisory Cncl.					\$7,200	\$7,200
Healthy Eating Active Living	\$23,487			\$23,487	\$24,567	\$48,054
HNH Foundation					\$50,000	\$50,000
NH Charitable Foundation					\$13,000	\$13,000
NH Energy & Climate Collaborative					Federal \$	
NH Community Loan Fund					\$700	\$700
NH Creative Com. Network					\$5,000	\$5,000
NH Municipal Association					\$10,000	\$10,000
Plan NH					\$6,750	\$6,750
Action Media (Contractor)	\$43,500			\$43,500		\$43,500
<b>TOTAL</b>	<b>\$1,017,297</b>	<b>\$1,281,519</b>	<b>\$1,060,852</b>	<b>\$3,359,648</b>	<b>\$1,105,891</b>	<b>\$4,565,539</b>
					Match as a Percent of the HUD Grant Request	35.5%

Attachment 3  
 NH Regional Planning Program  
 Financial Reporting Form

Grantee Organization: Rockingham Planning Commission  
 Report Period:            month, day to 20 year

**Expenditures by Cost Category**

Budget Categories	HUB Grant Funds			Cash and In-Kind Match		
	Budget	Expended this Period	Available Balance	Budget	Expended this Period	Available Balance
Personnel (Direct Labor)	\$ 128,933.00		\$ 128,933.00	\$ 22,607.00		\$ 22,607.00
Fringe Benefits			\$ -			\$ -
Travel	\$ 1,225.00*		\$ 1,225.00	\$ 215.00		\$ 215.00
Equipment			\$ -			\$ -
Supplies and Materials	\$ 723.00*		\$ 723.00	\$ 124.00		\$ 124.00
Consultants (incl. Facilitation)	\$ 4,901.00*		\$ -			\$ -
Communications & Media	\$ 8,168.00*		\$ 4,901.00	\$ 859.00		\$ 859.00
Technical/Planning	\$ 14,702.00*		\$ 8,168.00	\$ 1,432.00		\$ 1,432.00
Contracts and Sub-Grantees			\$ 14,702.00	\$ 2,578.00		\$ 2,578.00
Construction			\$ -			\$ -
Other Direct Costs			\$ -			\$ -
Indirect Costs	\$ 141,348.00		\$ 141,348.00	\$ 25,200.00		\$ 25,200.00
<b>TOTAL</b>	\$ 300,000.00		\$ 300,000.00	\$ 77,800.00		\$ 77,800.00

\* SUBJECT TO CHANGE BY MUTUAL AGREEMENT

**Expenditures by Task/Program Function**

Tasks	FUNDING SOURCES		
	HUB Funds	In-Kind Match	Cash Match
Equity and Engagement			Total
Statewide Coordination			\$ -
Regional Planning			\$ -
Administration			\$ -
<b>TOTAL</b>			\$ -

Attach supporting documentation of all grant funds and match (cash or in-kind) expended during the report period

*Donald G. Flodin  
8 Yorkshire Road  
Windham, NH 03087*

Rec'd  
5/14/12  
JDD

May 10, 2012

**Mr. Bruce Breton  
Chairman, Board of Selectman  
P.O. Box 120  
Windham, NH 03087-120**

**Subject: Sustainable Communities Initiative Agreement**

**Dear Mr. Breton,**

**I have recently become aware of the scope and magnitude of the Sustainable Communities Initiative Agreement and do not want our town of Windham to be part of this. This agreement would result in the loss of valuable property rights both in the near and long term. I have reviewed documentation from the HUD (U.S. Department of Housing and Urban Development) website and it is clear to me that this is not a bottoms-up program but rather a top-down approach with mandatory outcomes defined by HUD. If you commit Windham to this program, we will not only lose rights, but the charm, character, and layout of our town will forever be lost. I am sure you will make the right choice that preserves the Windham we all know and love by not entering into this agreement.**

**Sincerely,**



**Donald G. Flodin**