

**UPDATED NOTICE OF
FREQUENTLY ASKED QUESTIONS REGARDING
THE MASTER PLAN UPDATE PROCESS**

TO: *All Sandwich Residents and Landowners*
DATE: *February 10, 2009*
FROM: *The Town of Sandwich Planning Board*

PLEASE TAKE NOTICE that the Planning Board has initiated the process of updating the Town's Master Plan in discharge of its statutory duties. Pursuant to RSA 674:1, it has prepared the following "Frequently Asked Questions" to provide you with helpful information. *The Planning Board encourages your interest and active participation in this process.*

To that end, the Planning Board and its Master Plan Update Organizing Committee ("Organizing Committee") invite you to obtain additional relevant information by attending either of 2 *public hearings*, the first to be held on *Wednesday, February 18, 2009 at 7:00 PM at Town Hall* and the second to be held on *Saturday, February 21, 2009 at 9:00 AM at Town Hall*. Both public hearings will discuss questions concerning the Master Plan update process and the article to appear on the 2009 Town Warrant appropriating funds to finance that process.

The Planning Board urges you to attend the *2009 Town Meeting on March 11, 2009 and recommends that you vote "Yes" on funding this process.* See Q & A # 14 below. If funding is approved, numerous additional meetings will be scheduled in which you can participate and express your views. See Q & A # 4 below.

Meeting times, dates, and places are posted, but may be subject to change. Therefore, it is always wise to call the Town Office at 603-284-7701, in advance, to confirm the date, time, and place of each meeting. If you are unable to attend a meeting, minutes thereof are available for reading and copying at the Town Office. Minutes are also posted on the Town's web site: town.sandwich.nh.us

Q # 1. What is a Master Plan and why does the Town have one?

Answer: Pursuant to RSA 674:1, the Town is statutorily required to develop and periodically update a Master Plan. The Master Plan is a document intended to guide the development of the Town. The Master Plan consists of a set of statements and land use development principles with accompanying maps, diagrams, charts and descriptions. By law, the Master Plan is intended to provide the underlying legal basis supporting the Town's land use ordinances and regulations.

Q # 2. What is the purpose of the Master Plan?

Answer: RSA 674.2 describes the purpose of the Master Plan to be:

- articulating a clear plan for the most appropriate future development of the geographic area under the Planning Board's jurisdiction;
- aiding the Planning Board in designing ordinances preserving and enhancing the unique quality of life and culture of New Hampshire; and

- guiding the Planning Board’s performance of its other duties in a manner furthering smart growth, sound planning, and wise resource protection.

Q # 3. How does the Town use the Master Plan?

Answer: The Town uses the Master Plan in several different ways. Because RSA 674:1 mandates that the Master Plan “set down as clearly and practically as possible the best and most appropriate future development of the area under the jurisdiction of the Planning Board,” the Master Plan is required to contain a “vision statement.”

The “vision statement” is the *means* by which citizens articulate their collective desires for the Town’s future. To that end, the “vision statement” is required to set forth principles and priorities to guide Town officials when implementing the citizens’ desires through ordinances, regulations, and other official actions. In short, the Master Plan is a constant reference source for Town officials responsible for land use regulation. They should frequently consult the Master Plan to ensure they are discharging their official duties in a manner consistent with the citizens’ desires.

The Master Plan also *assists* Town officials implement the “vision statement” adopted by the Town’s citizens. For instance, the Master Plan may include, among other provisions, sections outlining proposed actions to achieve the Town’s economic goals, manage its natural resources, and implement water resource management and protection plans. Furthermore, a Master Plan also may inventory, and make future plans for community facilities, parks and recreation areas, transportation systems, educational goals, natural hazards, housing needs, energy issues, conservation goals, public utilities (*e.g.*, municipal sewer systems), cultural and historic resources, and requirements for community design to protect the Town’s physical appearance.

Finally, the Master Plan is required by law to have an “implementation section,” which is a long range action program stating:

- the *specific actions to be taken* by the Town government;
- the *time frames* in which those actions are to be initiated and completed;
- the *allocation of responsibility* for completing those actions by specific Town Boards and Commissions;
- the *nature of land development regulations to be adopted* by each responsible Town Board and Commission (particularly the Planning Board); and
- the *procedures* which the Town will use *to monitor and measure the effectiveness* of each section of the plan.

In short, the “implementation section” first assigns responsibility for implementing various action programs adopted by the citizens. It then provides a means for evaluating and holding accountable those Town officials who have been entrusted with the responsibility for implementing those programs. Some towns now separately publish the “implementation section” as a convenient reference to aid town officials in answering policy questions when conducting official business. The Planning Board intends to adopt this practice.

Q # 4. What effect does the Town’s Master Plan have on individual residents and property owners?

Answer: The Master Plan update will affect policies and actions adopted by the Town concerning the

physical appearance of the Town, the laws governing the use of all property in Town, and the expenditure of tax revenues. Accordingly, the update process will *solicit* individuals for their views concerning the goals and policies the Town should pursue and, at the same time, will *encourage* citizens to exchange their opinions concerning these matters.

For example, citizens can attend the public meetings of the Planning Board and its Organizing Committee. Citizens can also participate in various future proceedings designed to elicit their opinions, such as “visioning sessions,” specific issue workshops, and a town-wide opinion survey. Citizens may also volunteer their time and labor by becoming members of various issue related task forces to be formed and by collecting information from other citizens.

In summary, the Master Plan will direct Town officials concerning its regulation of the use and development of land within the Town, and, thereby, it will affect the nature and quality of life in Town for years to come. By actively participating in the Master Plan update proceedings, you will help shape the goals and policies to be implemented, and will be better able to make future evaluations of the effectiveness of Town officials responsible for implementing those goals and policies.

Q # 5. Who is responsible for developing and updating the Town’s Master Plan?

Answer: By law, the Planning Board is responsible for developing and updating the Town’s Master Plan. In this respect, it can delegate specific responsibilities to various committees of the Planning Board, and can retain professionals and recruit volunteers to assist it in completing various aspects of this endeavor. However, at the end of the day, the Planning Board retains full authority and responsibility for completing the task.

Q # 6. How often should the Master Plan be updated?

Answer: By law, the Planning Board is required to update the Town’s Master Plan every five to ten years. In practice, the Planning Board seeks to update the Master Plan every five years.

Q # 7. Why has the Planning Board recommended a complete review of the Town’s 1981 Master Plan as updated?

Answer: The Town’s first Master Plan was adopted in 1981. It was partially updated on six different occasions in 1990, 1997, 2002, 2003, and 2005. While it is generally agreed that the original 1981 Master Plan was successful, no such agreement exists regarding the subsequent updates. Much has happened in the past 28 years. Therefore, the Planning Board determined that the time was ripe for taking a fresh look at the entire Master Plan.

There are many reasons for this decision, including by way of limited example: recent Legislative mandates for towns to include certain provisions in their land use ordinances, the growth of the Town’s population from approximately 900 to 1,400 people during the intervening years; the increased complexity of issues relating to police, fire, and emergency medical responses; the advent of new technologies and related infrastructure (*e.g.*, cell telephones, cell towers, and windmills); the growth of development pressures along the Route 25 corridor and the shoreline zoning district; the desire for new efficiencies to counter increases in energy costs; and the change in general economic conditions.

Q # 8. What steps has the Planning Board taken so far regarding the proposed update of the Town’s Master Plan?

Answer: The Planning Board has appointed an Organizing Committee to help develop and administer the updating process. The Organizing Committee began meeting in the Spring of 2008 and has:

- organized a facilitated half-day session for members of the Planning Board, Chairmen of other Town Boards and Commissions, and Town government Department Heads to initially identify important issues confronting the Town;
- contacted other New Hampshire municipalities which have recently initiated master plan update proceedings to discuss their experiences;
- developed and implemented a public process over a 9-month period which resulted in the selection of Mettee Planning Consultants of Dover, New Hampshire (“Mettee”) to assist the Planning Board in updating the Master Plan; and
- negotiated a contract with Mettee at 90% of the price bid with no reduction in the scope of services to be rendered to the Town. *See, also, Q & A # 13 below.*

Q # 9. What is the role of the Master Plan Organizing Committee?

Answer: The role of the Organizing Committee is *limited*. The Organizing Committee only performs work regarding the Master Plan process which has been specifically assigned to it by the Planning Board. It does *not* have authority to independently make and implement policy decisions. It is *not* drafting the Master Plan update. Rather, it makes recommendations to the full Planning Board with respect to those procedural issues which it has studied at the direction of the Planning Board. Upon receipt of recommendations from the Organizing Committee, the Planning Board makes policy decisions in discharge of its statutory duties. For example, if the Town Meeting appropriates the requested funds, the Committee will coordinate with Mettee to implement the Master Plan update process to ensure smooth contract administration and compliance. The Organizing Committee also will perform other related ministerial tasks which the Planning Board may assign to the Committee.

Q # 10. Who are the members of the Master Plan Organizing Committee?

Answer: Initially, the Organizing Committee was composed of three members of the Planning Board: Adam Peaslee, Roger Plimmer, and Boone Porter. At their suggestion, the Planning Board expanded the Organizing Committee’s membership to include the following non-Planning Board members: Carroll Bewley, Janet Brown, Joan Cook, Jerry Gingras, and Linda Marshall.

Q # 11. What roles do Town residents and property owners have in developing the Town’s Master Plan?

Answer: Citizen input is an important component of the process. As discussed in Q & A # 4 above, there are multiple opportunities for citizens to fulfill their responsibility to participate in the Master Plan update process. In this respect, citizens are encouraged to attend various public meetings which will be organized by the Planning Board and Organizing Committee concerning the Master Plan update process. Most important, you are urged to attend the March 11, 2009 Town Meeting to vote on an article to fund the Master Plan update process.

Q # 12. Why is the Planning Board recommending the retention of a professional planning consultant?

Answer: The full Planning Board has determined that the Master Plan update process is best conducted with the assistance of a professional planning consultant. There are many reasons for this decision. For example, a professional planning consultant with broad experience will be very helpful in:

- developing reliable information gathering techniques (including, but not limited to, a Town-wide survey questionnaire);
- structuring and developing visioning sessions and other topic or issue focused meetings;
- analyzing and interpreting all information received;
- locating and applying for potential grants funding portions of the Master Plan update process;
- recommending various appropriate actions to implement identified goals;
- advising on various techniques to successfully complete implementation actions;
- assisting in the coordination and administration of all Town officials' and citizens' volunteer activities relating to the Master Plan update process; and
- selecting and supervising various subcontractors in order to achieve administrative and cost efficiencies in completing the project.

The Planning Board is aware that some people believe that the Town should conduct the Master Plan update “on its own,” for economic reasons but found that argument unpersuasive. The exact meaning of the expression “the Town should do it on its own” is unclear. Finally, this suggestion is inconsistent with the goal of ensuring objectivity and promoting professional planning in an increasingly complex world. For example:

- who in Town will determine the proper scope of information to be sought and the techniques for doing so?
- who in Town will scientifically develop survey questions to elicit accurate information?
- who in Town has the skills to effectively organize and administer the information gathering process?
- who in Town has the professional knowledge and experience to effectively analyze and interpret the raw data collected?
- who in Town has the professional knowledge and experience to counsel the Planning Board regarding the various options available to implement recommended actions and to analytically explain the technical issues encountered by other towns when implementing similar recommended actions?
- who in Town has the professional knowledge and experience to critically assess whether stated goals are in fact being implemented by Town ordinances and regulations and to suggest specific corrective actions which will be effective?
- who in Town will prepare and edit the final document to ensure internal substantive and stylistic consistency?
- who in Town not only possesses the willingness and skill to perform the forgoing functions, ***but also has the willingness to devote substantially full time work for eighteen months or more, as a volunteer, overseeing completion of the task?***

Organizing and completing the proposed Master Plan update project will be different from the 1980-1981 effort. In 1980-1981 a person who answered most of the foregoing criteria did agree to volunteer his time. Robert Delgado, who was the Chairman of the Planning Board which produced the 1981 Master Plan, had been a senior U. S. Navy officer responsible for managing the Portsmouth Naval Yard before he retired to Sandwich. He possessed the skill, experience, and *willingness* to manage a large long-term undertaking. Even so, the 1980-1981 Planning Board still thought it prudent to engage a professional planning consultant to assist it in completing the project.

Even if a person with comparable talents stepped forward today, there are other reasons why the Planning Board has still determined it would be best to retain a professional consultant.

The Planning Board is advised that with perhaps one exception, other New Hampshire towns which recently attempted to “do it on their own” have not enjoyed success. Ultimately, those towns retained professional assistance in varying degrees, but at greater expense than if they had retained a consultant from the start. Wolfeboro, Effingham, Bethlehem and Hooksett are examples. Furthermore, such towns have experienced significant delays and citizen dissatisfaction because once a professional consultant was engaged, much of the earlier work had to be redone. Those municipalities have concluded, in retrospect, that they never should have attempted to “do it on their own” and have counseled us *not* to choose that option.

The Planning Board also believes that impartial professional advice is invaluable. For instance, the Planning Board has been informed that Moultonboro successfully reached a consensus on its vision for the future through several master plan update cycles. Nevertheless, it consistently failed to recognize that its ordinances, as written and applied, not only failed to implement that vision, but actually encouraged contradictory actions. This crucial fact was only realized when a professional planning consultant retained to examine the land use ordinances challenged the town to confront this issue.

Q # 13. What process was used to select a Mettee as the professional planning consultant?

Answer: As discussed in Q & A # 8 above, the full Planning Board asked the Organizing Committee to recommend a process for selecting a professional planning consultant. That process may be summarized as follows:

- First, the Organizing Committee contacted the New Hampshire Office of Energy and Planning to obtain the names of highly qualified consultants capable of performing the professional services sought. This inquiry yielded the names of 8 different planning consultants.
- It then contacted the principal of each consulting firm by telephone to schedule an interview. To facilitate the Organizing Committee’s preparation for the interviews, each firm was asked to first submit written materials describing its qualifications.
- Next, Organizing Committee members interviewed all 8 consultants at their offices. Each interview was approximately 3 hours long. Two members of the Organizing Committee attended all 8 interviews. Some interviews were attended by multiple members of the Organizing Committee.
- The Organizing Committee members conducting the interviews then reported their impressions to the full Organizing Committee. After deliberating, the Organizing Committee selected 3 firms to which it would send Requests for Proposal. The 3 finalists were notified of their designation and informed that they would soon receive a Request for Proposal.

- The Organizing Committee researched various forms recently used by other New Hampshire municipalities when requesting proposals from consultants for master plan update projects. The Organizing Committee then developed its own form reflecting the particular circumstances of the Town's Master Plan Update Project.
- All 3 finalists submitted written bids prior to the deadline specified in the Request for Proposal. Each member of the Organizing Committee individually reviewed each bid, then discussed all 3 bids at a public meeting. Upon conclusion of its initial review, the Organizing Committee developed a list of written questions and comments. Each bidder was asked to respond to those questions during a public hearing held to review the bid. Additionally, the Organizing Committee checked each bidder's references. To assure fairness, 3 Organizing Committee members were assigned to check a different reference for each bidder. The results of the reference checks were reported to the Organizing Committee.
- Each bidder was invited to attend a public hearing at which the sole topic would be the consideration of its bid. Members of the Planning Board were invited to attend and participate in each of the 3 public hearings convened to review the bids. Each hearing was well attended by Planning Board members. Members of the public also attended and participated.
- Finally, the Organizing Committee convened to deliberate. During its deliberations, the Organizing Committee considered various factors including the quality and contents of the written bids, the bidders' responses at the public hearings to the oral and written questions submitted, the statements made by references, and the oral presentations made by the bidders at the public hearings. After reaching a unanimous decision regarding a preference for Mettee's bid, the Organizing Committee conducted additional proceedings to successfully negotiate down the fee originally bid by Mettee.

Q # 14. What is the cost of updating the Master Plan versus the cost which may be incurred by not updating the Master Plan?

Answer: The Planning Board recommends that the Town enter into a written service agreement that provides that the Town's payments to Mettee for professional services rendered ***over the next 2 years*** will ***not exceed*** \$60,000, subject to the following conditions and limitations:

- First, the ***2009 Town Meeting*** votes to appropriate up to ***\$40,000*** for the payment of fees to Mettee during the ***2009 Fiscal Year***;
- Second, ***the 2010 Town Meeting*** will be asked to appropriate the balance of the fees due Mettee ***not to exceed \$20,000***; and
- Third, a vote to approve the 2009 appropriation does ***not*** obligate the Town to approve or pay the proposed 2010 appropriation.

Additionally, the Planning Board recommends the 2009 Town Meeting appropriate to the Planning Board the sum of ***\$2,500*** for 2009 administrative expenses (photocopying, postage, telephone charges, etc.) incurred in connection with the Master Plan update process.

While the proposed \$60,000 fee to Mettee is a large expense, it will be spread ***over 2 budget cycles***. Furthermore, the Planning Board is of the opinion that the cost of not updating the Master Plan could be even greater.

For instance, the Planning Board recognizes that the Town's Zoning Code needs to be thoroughly reexamined, and the best way to approach this project is through the Master Plan update process. Updating the Master Plan now while the economy is slow will permit the Town consider all relevant issues and be ready when developers propose new projects after the economy picks up.

On the other hand, the harm which might result from completion of a project presently permitted by ordinance, but which was generally recognized to be inconsistent with the Town's vision of itself, could be beyond measurement and enduring. Moreover, the litigation expense of *a single lawsuit* involving a complex land use regulation dispute could equal or exceed \$60,000, even if the Town ultimately prevailed. That expense will be doubly hurtful if the dispute could have been avoided if the Master Plan had been updated.

Finally, it is unlikely that the ultimate expense of completing this project will be reduced by delay. Rather, deferring this project more likely will increase the Town's ultimate expense over time.

Q # 15. How can I get more information regarding the status of this project?

Answer: You can get information concerning the status of this project by:

- contacting members of the Planning Board or the Organizing Committee;
- reading the published notices of meeting, agenda, and minutes of the Planning Board and the Organizing Committee;
- attending the public meetings of the Planning Board and the Organizing Committee;
- reading information distributed by the Planning Board, such as this document, which discusses the Master Plan update process; and
- participating in various public meetings in connection with the development of the Master Plan update's "vision statement" and the collection of data concerning other chapters of the Master Plan update.

The Planning Board believes Town Government works best when citizens are well informed and actively participate. You are encouraged to become involved. Thank you for your interest!