

Problems with CHAPTER 679: HOUSING APPEALS BOARD

1. The appeal location grossly overburdens towns and abutters distant from Concord, **giving great advantage to well-resourced commercial developers wishing to avoid complying with town zoning** by, in essence, making town planning and zoning decisions meaningless. Thus, it is contrary to the purpose of zoning laws, which give towns the right to control land use. This control is appropriate because road maintenance, student transportation and many other town expenses depend upon land use.
2. **Abutters' rights are impinged** upon by appeals held during the workday, potentially requiring them to lose pay or require childcare, in order to attend.
3. An expedited online enforcement process for applicants protesting blatantly illegal decisions would be faster, less burdensome to the applicant, less costly to the state and just as effective as the appeals board.
4. **Housing appeals board members are appointed by the Supreme Court**, themselves state appointees, whereas many local planning and zoning board members are elected, or at least appointed by locally elected persons, making them more subject to the will of the people, and certainly more in tune with local priorities.
5. **Except for the lawyer, the composition of the board seems inappropriate to the task at hand.** It needs to include a town planner. In some cases, a historic preservationist, environmentalist or other specialist may be appropriate. The lawyer should be one with zoning expertise.
6. **\$400,000** is an inadequate budget for 3 full-time legal/housing/planning professionals, 1 support staffer, benefits, overhead, office space, hearing space and equipment.