

Planning Board Meeting

7: PM - July 15. 2010

Library, Elementary School

347 Rte. 125, Barrington, NH

Work Session – Conference: Transfer of Development Rights
Impact fees

Members present: Chairman John Huckins
Jackie Kessler - Selectwoman
Alan Kelley
Edward Lemos
Steve Oles
David Mott
Dawn Hatch (Alt)

Town Planner: Constance Brawders

Guests present: Bruce Mayberry, Consultant
Michael Hastings, Chairman, Conservation Commission
Board of Selectmen, Chairman David Frase
Charter Weeks
Michael Clark

Chairman Huckins opened the meeting for a discussion with Consultant, Bruce Mayberry on impact fees.

Bruce Mayberry – impact fees

Mayberry presented a power point program on the review of impact fees. He said impact fees were a way to assess for capital facilities. He said in 1991 three quarters of the communities in New Hampshire were covered by impact fees. The power to set impact fees to recoup capital costs was given through legislation to assess impact fees.

Mayberry discussed maintenance, improvements, and upgrades. He said impact fees could be held for a 6 year period and if not used would need to be refunded. He said there was a difference between extractions and impact fees. Mayberry said the laws had been changed for the assessment of impact fees. He said extractions were set on certain roads only.

Mayberry said an extraction was necessitated by development. It has to be set on a specific road and show a direct benefit to that road. Mayberry said extractions were set on a case by case basis. He said that impact fees would pertain to all development and would be of benefit to general public. It would be for the improvement of the community and also fall under the 6 year period.

Kessler asked if the town would need to provide matching funds. Huckins said usually it was about 90% for a Town and 10% for an applicant. He said the

improvement would need to be created and justified. Mayberry said a town could not depend on an applicant for the impact fee without creating advanced funding. He said the best way to look at impact fees was to think of them as recoument.

Kessler asked about the school impact. She said she thought that it was set for a high school. Mayberry said in 2007 a time line was set. He said a high school was a distance off so including it could not be done. He said in the case of the middle school K through 8 the 6 years did not apply as long as there was room in the school for growth caused by development.

Weeks asked if a town could have both, an impact fee and an extraction. Mayberry said yes, the impact fee could be for an assigned purpose such as roads, establishing right-of-ways, drainage, etc. they could be eligible for each category. Extractions would apply to a specific improvement on a specific road.

Brawders said we needed to get away from the 6 year stipulation thinking and set up impact fees as an act of appropriation. She said studies could be included so we could move away from 6 years in and 6 years out. Mayberry said if we hold a project for 6 years we need a live one.

Hastings asked if impact fees could be used for regional schools. Mayberry said that the impact fees could go to cooperative members. He said Timberlane was a regional school for 4 towns. He said the impact was based on each one's need. He said Barrington could not do this with Dover as we pay tuition and were not a cooperative member.

Mayberry said the process in Barrington for extraction was to gather information from the department heads for their needs and wants. The road fees were set by the trip generations and the amount of investment toward major improvements. He said this would be based over a 2 year trip generated by new development.

Mayberry said when amounts were set by the investment of pending improvements and the economy drops the impact fees go out of wack. They would be out of proportion with what was actually done for major improvements not what should be done.

Weeks asked if we could engage in a fast track with the Department of Transportation. Mayberry said the impact fees would pertain to capital facilities owned by the municipality and on class 5 roads. He said in the Master Plan it represented that some class 6 roads could be brought up to class 5 status for connector roads. Mayberry said the CIP should be figured out 10 years.

Mayberry said Littleton was the first place to use impact fees. He said there were 3 ways to approach impact fees: traffic model - basis for improvements, generic lane-mile consumption - capacity which would include the number of lane miles generated and the costs, and capital improvements based on annual construction or improvement plan, portions should be allocated to new developments, and the improvement could include new collectors.

Mayberry said the Capital Improvement Base Manual for New Hampshire is used by a fee model. The cost allocated was for a portion by trip generation was the way several small towns create a reasonable appropriation. He said if 20% of the costs were recovered it would make it worthwhile. Mayberry said impact fees were more flexible where extractions had to be for specific roads,

specific improvements, and specific developments. He said in his opinion he would keep extractions – off sites open for use if needed along with impact fees.

Mayberry said road improvements and major roads could be looked at as a system instead of spot improvements. He said impact fees could be set on a network of roads. Mayberry said a budget level which was reasonably related should be established. He said these must be held in a special account and used within 6 years or refunded. He said an extraction account funds can only be used on a specific road and project.

Kessler asked if it meant that the Town would need the funds as well as the applicant or an impact fee could not be charged. Mayberry said the money should be set aside by the Town over a period of 6 years. He said if the work was not done the money would need to be refunded.

Kessler asked when the funds need to be paid. Mayberry said before a certificate of occupancy would be given. Huckins said this Town charges the fee when the building permit was applied for. Mayberry said that the amount assessed should be set when the subdivision was approved. He said vesting in a subdivision had been increased from 4 years to 6.

Mayberry said all lots were subject to impact fees. Hatch asked if lots of record before the impact fee was adopted would have to pay them. He said yes. Weeks asked if this would be adopted in the Zoning Ordinance. Mayberry said that the Board had inserted the language so that this could be done after public hearings.

Kelley asked if money could be taken out of this fund for hazards or catastrophic situations. Mayberry said impact fees had to be used for improvements needed because of new developments. He said reasonable assumptions needed to be used.

Huckins said the Selectmen should work with Peter Cook to establish what would be done. Mayberry said Peter could use the road assessment plan done by Jones and Beach as the basis for the roads. The number of miles of road to be improved per year should initiate the impact fee. Weeks said it was hard at this time with the economy the way it is every department was trying to hold their budget down, not to spend money.

Hatch asked about the fine line between maintenance and improvements. She said the clean ditches and lay a thin top coat over a road was maintenance not improvements. Mayberry said that there was a gray area where one stopped and one started.

Mayberry said the Town could start with a modest fee with variables involved. It could be up dated up or down. Weeks asked what the dollar amount matched would be. Mayberry said a portion of the costs would be a reimbursement. He said the road improvement plan had not been funded in the past but could be used as a basis for what would be set.

Mayberry said the Town should keep in track of the assets, past history, expenditures, average life of the road, and improvements. The capital improvements could be used as a systematic portion of the improvements. Huckins said the Town would need to make a commitment on what would be spent. He asked how we get this number. Mayberry said through engineering

estimates per lineal foot of reconstruction and the inventory of roads along with past history.

Mayberry said the lane mile along with the surface area would be used. He said adjustment could be made. Weeks asked if culverts needed to be replaced and enlarged would this be an improvement. He said they hoped that the replacement could last 50 years. Weeks said Peter planned that an overlay would last 12 years. Mayberry said probably this could be represented as an improvement. He said it would fall in the gray area.

Mayberry said we should not let impact fees drive us. We should work from the road agent's plan for a 12 year cycle. Huckins said a shim and overlay was maintenance not improvements.

Mayberry said he favored the lane-mile method with a model project of population, number of dwellings, employment, and trip ends. This could be modeled over a 20 to 25 year period. He said the historical trends and the trips today through an estimate for 2030 showing the net change could be used in this model. Mayberry said for example 20% of the total trips could be the new trip ends using the existing ones as a model. Hastings said costs could change dramatically as the cost of liquid 64.28 was \$178.00 in the spring and had now gone to \$900.00. He said the costs of liquid 64.28 had gone out of portion.

Kessler asked who paid the impact fee. Lemos said it was passed on to the home owner. Huckins said at present the school impact fee was just for residents. He said the road impact fee would need to be passed on to commercial lots also as both use the roads. Mayberry said as long as all were used equally there would be no problem. He said we might consider a reduction in the impact fee for businesses located on State roads. All agreed that people would use town roads to get where they want to go.

Selectman Clark asked if that meant that the Town would have to come up with 5 times the 20% for the applicant. He asked if there were ways to get this money back. He said commercial establishments demand services that we must provide. He said now was a hard time to raise money. Mayberry said we should start small and keep funding reasonable. He said it could be bumped up later. We should consider existing needs and future ones.

The school impact fee was discussed. Huckins said we had 6 years in anticipation of the school, and 6 years after it was started as long as there was capacity beyond what was needed when it was built. Mayberry said this could mean that the number of students went from 20 students per classroom to 25 to 30 per square footage if it would be the number of students. Mayberry said it would need to be revaluated no later than 6 years out. The enrollment of students and debt service per student would be considered.

Weeks said we should utilize the consultants as in the long run it saves money. Clark said in 2009 he had reviewed the CIP and there was little change. He said in August the budget process would start and at this time creating a capital reserve fund for roads would be discussed. Weeks said over the past 2 years the voters had voted down a reserve fund for roads. Mayberry said we should do the planning first and list the comparisons over the last 10 years.

Huckins said Brawders could work with Peter on the road assessments and priorities. Brawders said Cook could put the data together for the priorities and costs and she could review it with him. She said he would know more about the roads and priorities than she as it was within his job.

Mayberry said models could be created to look at long term and set up a grid for the 12 year cycle set by Cook. Weeks said Cook scheduled improvements to 5 miles of road per year.

The Board and Brawders thanked Bruce Mayberry for attending the meeting. The Board moved to a discussion of transfer of development rights.

Transfer of development rights

Brawders read the memo for Transfer of Development Rights which will become part of the record. The Density Transfer Credit packets were passed out. She said historical data would help in this process. We should consider what the Commission wanted toward the assemblance of conservation land and open space. Huckins said a good source of information would have been done by Strafford Regional Planning Commission with the creation of the Natural Heritage Inventory. Brawders said we should get these items to Cartographics Assoc., Inc to create a map layer.

Brawders spoke on the historical places in Barrington such as the school on Beauty Hill Road. We should make a developer aware of the historical significance of a parcel; maybe he could create a different type of housing that would blend with the history of a site. Brawders said we need to keep the Master Plan updated.

Kessler said she was confused with what transfer of development rights was. Huckins explained that it was transferring one parcel that could be used for development to another and preserving the first one. This land would always be protected from development. He said the owner of that land would have been paid for the development of the site and the land owner to whom the development rights were sold was happy with his development.

Hastings said the Town of Lee has transfer of development rights in its Ordinance but it had not been used. He said it was set up for abutting properties. Huckins said this procedure allows a critical area to be protected. Mott said we could look at areas that we felt should be protected and see if this type of development works. He said land owners that wanted to see their land preserved could talk with developers to see if they would be interested in purchasing the development rights.

Mott said this sounded like a good idea but it was a greater task than could be reviewed at this time. He said this concept would take time to do right. He said at this time if a land owner wanted his land protected he would look to the Commission to buy it or part of it as an easement. He would still own his land but would have been paid to give up the development rights.

Weeks said this concept would need to be presented to the voters. He said to purchase the development rights on one site could increase the density on another. Mott said areas should be picked where it was important to preserve

the land and the land owner informed of this. He said we could allow the density to be increased the same as in current use.

Huckins said the cluster section was written to preserve land and it meets all of the requirements. He said we could increase but control density before zoning. The estimated cost of the density would need to be established and a standard set. Brawdgers said a real estate market analysis of the area would be needed.

Weeks said there were other ways to create an incentive such as tax incentives. He gave as an example the Isinglass River was protected for 150 feet from the thread of the river or the riparian corridor of 300 feet. He said the owner might not have any final costs to his land.

Huckins said to wait to do this could mean someone could purchase the land and build houses in the area. He said it was unlikely that there would be 1000 houses built in Barrington over the next few years. Brawdgers said long range planning must be done with current planning. She said when the downturn is over we need to be ready for growth.

Brawdgers said we would need creative models with different types of development. She said where there is no water or sewage we would need to plan for this. There should be walking and bike trails with a way to get from one site to another without vehicles. She said there should be activities that people would gravitate to.

Brawdgers said first time buyers or empty nesters could be interested in down sizing. She said a dog park was a drawing card. She said the Town Center was a great design with existing New England architecture. She said today's young people have different work ethics. She said young people don't want large lawns or spaces that they must maintain. She said they enjoy their free time.

Brawdgers said we might want to consider lowering our lot size requirements. She said maybe 200 feet of frontage and almost 2 acres was too much. Mott said that was why we have cluster, it allows for a smaller lot but with land around it. He said it was fast becoming that the large land owners were being told what they can do with their land by the small lot owners. He said they don't feel that they own their land anymore. Mott said we should always remember a person's rights.

Brawdgers said we might have to implement a 2 tiered approach on how to deal with target areas. She said we have a nice town and we should all preserve it. She said she has seen this work in western Massachusetts. Brawdgers said we all need to know the possibilities and where the opportunities were. We need to encourage people to live in Town and come back as they get older. This allows for fresh ideas so it does not become a tired old Town. She said we would need to bring this before the voters.

Hastings said in his opinion society changes and people do not want to own 100 acres anymore. He said in Europe this has already happened. He said there were more open space and farmlands. He said this progression happens naturally. Huckins said there were larger towns with smaller lots. All agreed that

we needed to find out why towns and communities do not use the transfer of development rights even though some have it in their zoning.

Hastings said supposedly economic development brings down the taxes. He said land was a commodity subject to supply and demand. Hastings said in the past people wanted to own large parcels. That was changing. He said towns such as Bedford were bedroom towns. He said there were hidden costs that go along with commercial and industrial developments.

Mott said it was a good idea to save and protect land. He said this could be used as a tool to utilize in areas of high value. He said people come before the Commission when they are considering protecting their land. He said many times this mean purchasing an easement. The owner keeps the land but it is protected from development.

Brawders said it was important for all boards and commissions to work together. She said if we can save a portion of a larger parcel that connects with another one it would be more valuable to the Town than several little ones that were isolated. An example of an area to be protected would be along the Isinglass River. The members will review the document Density Transfer Credit.

Hearthside Development Sitewalk – July 21 – 11:00AM

Brawders said there was a sitewalk on the Hearthside property on Wednesday July 21 to look at the road. She said the developer wants the Town to accept the road but the Road Agent does not feel that it was ready and had pointed out several corrections that must be made. Brawders said William Rollins from The Louis Berger Group would also attend the site walk. It was scheduled for 11:00 AM on Wednesday July 21. The sitewalk will be posted on July 19.

TAC member – Strafford Regional Planning Commission

Brawders said she had been appointed to the TAC Committee. She said Charter Weeks would be the alternate. Brawders said Steve Jeffery and Steve Conklin would be appointed by the Selectmen to the Strafford Regional Planning Commission to represent Barrington.

Traffic Circle Meeting – July 21, 2010 – 7:00 PM – Safety Complex 20 George Bennett Road, Lee, NH

Brawders said that there was a meeting to discuss the reconstruction of Routes 4 and 125 intersection to provide safety improvements. The purpose of the meeting was to present information to the public and take comments.

Publications

Brawders said there were a couple of books that she thought would be valuable to the Board - **Home Business & Home Occupation** and **A Hard Road to Follow**. Huckins said the Board now has the book **A Hard Road to Follow**.

Townsend response to the public hearing on camper campgrounds

Rick Townsend sent an email to the Board concerning the Campground regulations. He expressed his opinion how the changes were made. The Board read his memo and felt that the motion made on July 8 was what they intended to approve. The regulations will become part of the Site Review Regulations.

Meeting in August

Brawders said according to the Town's Attorney we would not need to hold a meeting in August because of the extreme circumstances at the Town Hall. The Board will meet on August 18 to review plans scheduled for the meeting on September 2, 2010

Minutes – July 1 and July 8

Kelley said he wanted to include the word substantial in his motion for the Hill case, seconded by Mott, all in favor.

Kelley made a motion to approve the minutes of July 8, seconded by Lemos, all in favor.

The meeting adjourned at 10:20 PM, motion by Kelley, seconded by Mott, all in favor.

Dawn Hatch, Clerk