

MINUTES
NEW DURHAM PLANNING BOARD
MARCH 17, 2009

Chairperson Bob Craycraft called the meeting to order at 7:00 PM.

Roll Call: Bob Craycraft (Chair), David Bickford (Selectmen's Representative), Cathy Orlowicz, Dorothy Veisel. **Excused:** Paul Raslavicus

Others Present: Scott Drummey (Alternate, not yet certified)

Public Input: Chair Bob Craycraft asked if there was any public input on issues not on the agenda. Ed Neister asked to speak. He had extensive comments about the shortcomings of the Town's Open Space Conservation Subdivision ordinance. His opinion is that it lowers the cost of subdivision and development significantly, and in that way makes New Durham more attractive to builders and subdividers than surrounding towns. He is concerned that the lot areas are too small which will lead to septic system failure which in turn will trigger a state mandate that the Town install a safe municipal water supply. He asked the Board to review the ordinance with particular attention to issues of septic requirements, frontage requirements, steep slopes and ledge at or near the ground surface.

Cathy Orlowicz welcomed Dorothy Veisel to the Board. She was elected on March 12 at Town Meeting.

David Bickford moved that the Planning Board elect Scott Drummey to a 3 year term as an alternate on the Planning Board. Cathy Orlowicz seconded. Approved unanimously with no abstentions.

Chair Craycraft asked the Board to change the agenda schedule to save the March 3 minutes until after the Impact Fee Discussion because Bruce Mayberry was waiting to participate in the latter. The Board agreed to that change by consensus.

Bruce Mayberry summarized the impact fee ordinance. He noted that the ordinance gives preference to calculating the impact fee by utilizing the number of square feet of new construction. He identified four key components to the fee calculation: proportionality of fee relative to impact, square feet of classroom space per child, cost per square foot of building school space, and credit allowances. Credit allowances are not required by law, but the issue has come up in court cases in other states.

Mr. Mayberry said he used only locally owned properties to calculate the enrollment

per housing unit. He calculated enrollment per housing unit for all housing units, and also for 3 different sets of subcategories: type of housing (single family, duplex, etc.), # of bedrooms, and number of square feet.

He used NH state department of education numbers for the per square foot costs. He explained that these are “clean numbers”, independently prepared, and conservative. He noted that passage of the district passed the bond for high school and middle school renovations and new construction it puts the entire impact fee on a sounder basis. The impact fees can be used to pay down the town's share of the bond costs. Funds that are collected by the Building Inspector need to be transferred to the school district before the amount of the tax assessment is finalized. The Planning Board should update the fee calculation from time to time to keep up with changes in construction costs and space usage.

Mr. Mayberry discussed a number of questions about specific tables and numbers in his draft report. He noted that the report did not show every single step in the process of developing the final numbers, and in some places did not show clearly which of several possible numbers he had used and why.

Mayberry noted again that there are 3 possible bases for calculating the number of school children per housing unit: type of housing, # of bedrooms, or total square feet. The ordinance indicates a preference for using square feet. His tables show that using the square foot method matches with the results you would get using numbers of bedrooms. If these numbers were very different it might indicate a problem in the calculations. He also noted that the vast majority of houses in town are single family, so there is really not enough data for other types of housing to be able to set separate rates for duplexes or multi-family housing. Mr. Mayberry explained that the term “core capacity” refers to spaces such as library, gym, administrative offices that do not directly house students. He noted that the construction costs for the vocational parts of the building are paid by other funds and not local taxes.

Mr. Mayberry said he would revise the report based on this discussion. When the Board votes to adopt the report it will need to specify which method the town will use for calculating the impact fee. David Bickford asked if the Board is bound to assess the full amount of the fee that the calculations show. Bruce Mayberry said no, and added that some towns assess at, e.g., 90% of the calculation to buffer residents against potential flaws in the calculations that might lead to an over calculation. He also said if the Board reduces the assessment too much it will create a situation in which current residents are being taxed for a part of the cost of construction demand created by new development.

Cathy Orlowicz asked what kinds of experience the towns who have adopted Impact Fees have had. Mayberry said only a couple of towns have repealed their fees. He said timing is important and those towns who established their fees in the late 1980s and early 1990s did very well at covering the capital costs resulting from the building boom of 1993-95. She asked about extending the fee to other costs beyond schools. Mayberry said the Board was well positioned by the work he had done to add on fire service, police, and recreation. Fees for these public services would be much less than for the schools, perhaps \$700 for fire, \$300 for police, and \$500 for recreation.

David Bickford asked if county capital costs such as jails and nursing home facilities could be recouped in this way. Bruce Mayberry said county costs were not specifically identified in the legislation. Mr. Bickford speculated that if they were not prohibited it might still be possible.

Minutes of March 3, 2009: Scott Drummey said the spelling of his last name needed to be corrected from “Drummer” to “Drummey” in several locations in the document. David Bickford said the reason given for his abstention from voting on the February 17 minutes was inaccurate and asked that the phrase “because he was not at the meeting” be stricken from the third sentence of the 5th paragraph on the first page so the sentence ends after the word “abstained.” Cathy Orlowicz suggested replacing the phrase “as amended” with the words “as corrected for spelling and grammar” in the motions for the minutes of September 2, 3, and 16 in the last paragraph on Page 4. David Bickford moved to accept the minutes of March 3 with the amendments as noted above. Cathy Orlowicz seconded. Approved unanimously with no abstentions.

Subdivision Checklist: Cathy Orlowicz noted that the purpose of these changes in the checklist were to identify for applicants and staff which items must be included with the application in order to have enough information available to place the application on the board's agenda. Board members agreed by consensus to change the phrase “before the Planning Board will place” in footnote * to “for the Planning Board to place”. Cathy Orlowicz moved to accept the Subdivision Checklist with the noted change and place it into use immediately. David Bickford seconded. Approved unanimously with no abstentions.

Site Plan: Cathy Orlowicz moved to accept the Site Plan Checklist with the same change as made to the Subdivision Checklist and place it into use immediately. David Bickford seconded. Approved unanimously with no abstentions.

Home Occupation Checklist: Cathy Orlowicz noted that in addition to drafting the checklist, Mr. Allen had proposed adding a specific authorization on the applica-

tion form to the Building Inspector to come on to the property to make a site visit. The Board agreed by consensus that the site visit should be made before the Board considers the application so it will have the benefit of the information from the site visit. The Board also agreed by consensus to change the wording of this permission to read “for the purpose of issuing this home occupancy permit” instead of “ “. The change is to clarify that the permission to come on site does not continue indefinitely. David Bickford asked that the heading “Home Occupation Ordinance” be taken off the application and the checklist. Cathy Orlowicz moved to accept the Home Occupation Permit Checklist and the amendment to the Home Occupation Permit Application Form with the changes agreed to by the Board. David Bickford seconded. Approved unanimously with no abstentions.

Master plan strategic plan: David Allen told the board he was preparing a draft plan which would show which strategic implementation plans had already been completed and a tentative annual schedule for completion of the other items, based on the input from the Board at its March 3 meeting.

2009 Annual Plan: Board members identified the following items as important projects for 2009: revise the Town Center district ordinance; prepare a business district ordinance for Kings Highway, Workforce housing ordinance, write regulations for ordinances passed in the last couple of years, Landscaping regulations,, Stormwater updates, and Public education on septic technologies, municipal wastewater systems, addressing backlash against the conservation subdivision ordinance, and protecting sensitive natural resources.

Minutes: Chair Craycraft tabled review of the October, 2008 minutes to the April 7 meeting.

Cathy Orlowicz moved to adjourn at 10:07 PM. David Bickford seconded. Unanimously approved without abstention.

Respectfully submitted,

David Allen

Land Use Administrative Assistant