

MINUTES

NEW DURHAM PLANNING BOARD

MAY 19, 2009

Chairperson Cathy Orlowicz called the meeting to order at 7:11 PM.

Roll Call: Cathy Orlowicz (Chair), Bob Craycraft (Vice-Chair), David Bickford (Selectman's Representative), Paul Raslavicus, Scott Drummey (Alternate)

Excused Absence: Dot Veisel

Others Present: Mike Gelinas, Ben Frost, Ryan Noonan

Public Input: Chair Cathy Orlowicz asked if there were any objections to holding the public input and review of May 5 minutes until after the guest presentation.

There was none.

Workforce Housing: Chair Orlowicz introduced Mr. Ben Frost, Director for Public Affairs of the New Hampshire Housing Finance Authority. Mr. Frost gave a brief introduction to the NHHFA: created by statute as a non-profit organization; Board is appointed by Governor and Executive Council; role is to manage federal housing money in the state; no state funds; generally disperse 1300-1500 mortgages per year; also do research, policy analysis, and advocacy.

Mr. Frost then described the law governing town responsibilities for workforce housing. It was adopted in 2008 as SB 342. It incorporates the 1991 New Hampshire Supreme Court decision in Britten vs. Town of Chichester into the legal code. That decision said towns have 1) a reasonable obligation to assist in providing affordable housing, and 2) must provide its fair share of the regional need for affordable housing.

In practice this means that the collective impact of regulations adopted under RSA 676:4 (including impact fees, subdivision regulations, site plan regulations, zoning ordinance, local additions to the building code, etc) must not be so costly as to make it impossible for a builder to build and sell housing that can be afforded by families with incomes from 60-100% of the median income, as defined by the US Housing and Urban Development Department.

This does not need to be possible in every zone in town, but in at least 51% of the buildable land area of the Town. The town is not responsible for overcoming costs related to natural features of the town, or market conditions that create additional costs. Housing limited to Senior citizens does not count toward the Town's contribution.

Specifically, the Town must have zones that allow multifamily housing with at least 5 housing units. Other options that Towns have used to increase the availability of workforce housing include taking the family limitation off of "mother-in-law" apartments, adopting design guidelines that require multi-family housing to look like

single family structures, loosening requirements preventing more than one structure per lot, and increasing the bedroom count allowable in a structure. Mr. Frost emphasized there is nothing in the law that keeps a Town from managing its affordable housing design so that it complements the existing character of a community.

Mr. Frost suggested the Town should do an “audit” of its existing regulations to ensure the cumulative impact does not make workforce housing economically unviable. He specifically suggested the Board review the limitation to one structure per lot, the size of the buffer required for multifamily housing, and the allowable bedroom count for multifamily structures. He also suggested the Board should plan on doing an audit every five years. He noted that the Housing Authority is working on a “guidance document” for towns that will help them in the audit process, and will provide suggestions and options for improving opportunities for workforce housing without sacrificing community character.

Chair Orlowicz declared a recess at the conclusion of the workshop with Mr. Frost at 8:55 PM. She reconvened the Board at 9:05 PM. She asked Scott Drummey to sit in for Dot Veisel for the agenda items that required Board action.

Public Input: Mike Gelinas commented on the need for workforce housing, and the thinking the Planning Board considered when it first wrote the Zoning Ordinance.

Minutes of May 5: Board members made the following corrections to the minutes: 3rd Paragraph on Page 2, changed “Section XX of the Zoning Ordinance” to read “Article XII of the Zoning Ordinance.”

Add the phrase “and catch basin and drainage system behind the garage” to the end of the second condition on Page 4.

Change Condition 10.a on Page 5 from “3-8” to “3-6”.

Change Condition 11 on Page 5 to read: “full approval of this motion” instead of “final approval of this decision”.

Scott Drummey moved to accept the minutes of May 5, 2009 as amended. Bob Craycraft seconded. Paul Raslavicus abstained as he was not present at the meeting. Approved 4-0.

Impact Fee: The Board discussed the impact fee report from Bruce Mayberry. Scott Drummey said he did not think workforce housing should be exempted from the fee. Members wanted clarification on when the fee is assessed and when it is paid. Cathy Orlowicz asked how the impact fee would affect an in-law apartment. Board members were in basic agreement that the fee should be based on square feet added to the house, up to a maximum of about 3,000 square feet as suggested by Bruce Mayberry. Members also agreed that small additions should not be charged a fee and asked for guidance from Arthur Capello, Building Inspector on the number of square feet that should be the cutoff point.

David Allen said he would draft the Impact Fee Plan and Guidelines for the Board to review at its June 16 meeting.

Chair Orlowicz noted that it was after 10 PM and the remaining agenda items would be carried over to the next meeting.

Bob Craycraft moved to adjourn at 10:12 PM. Scott Drummey seconded.

Unanimously approved.

Respectfully submitted,

David Allen,
Land Use Administrative Assistant

Town of New Durham