

MINUTES

NEW DURHAM PLANNING BOARD

APRIL 17, 2007

Chairperson Bob Craycraft called the meeting to order at 6:30 PM.

Roll Call: Cathy Orlowicz (Alternate), Bob Craycraft (Chair), Don Voltz (Vice-Chair), Peter Rhoades (Selectmen's Representative), George Gale (Alternate), Mike Clarke. **Unexcused Absence:** Christopher LaPierre

Others Present: Skip Fadden, Marcia Clark, April Whittaker

Public Input: Chair Bob Craycraft asked if there was any public input. There was none.

Election of Officers: Chair Craycraft turned the chair over to Donald Voltz, Senior Member. April Whittaker, Town Administrator, asked to speak. She commended the Town Highway Department for its handling of the recent floods. She referred to the listing of responsibilities for chair David Allen had drafted. She noted the need for putting "service above self," and referenced the large workload facing the Board.

She told the Board it is important to have the good work of the last few months continued. She expressed concern that Don Voltz had been absent from meetings for five months and is representing a major subdivision application before the board. She noted that Cathy Orlowicz was still fairly new on the Board, and the agenda needs experienced leadership. She expressed concern about Mike Clarke, a town employee serving on the board and said the responsibilities of an employee could be in conflict with his or her responsibilities as a board member. She challenged the board to keep the momentum going and thanked them for their time. She noted it was the first time she had been involved in this kind of issue, but felt very strongly about keeping momentum going.

Marcia Clark asked to speak. She said she had been attending town meetings for 45 years and had never seen a staff person suggest how an election should go.

Bob Craycraft said he did not see any problem with Ms. Whittaker speaking her opinion. He said they need new blood on the board. He said he would be independent in his voting and thought Ms. Clark would be also. George Gale said

that hearing opinions does not get my vote: he likes to hear them all.

Cathy Orłowicz moved to hold the election of officers after the presentation on Zoning Districts. She stated by doing so it would allow all voting members of the Board to participate in the election, a practice that she said the Board has traditionally done. Bob Craycraft seconded. Unanimous.

Don Voltz handed the chair back to Bob Craycraft.

Bob Craycraft introduced Bruce Mayberry. Craycraft noted the Town's new master plan and work on a Capital Improvement Plan. David Allen described Mr. Mayberry's background. He has worked with Barnstead and Alton. He worked at the New Hampshire Office of Energy and Planning as the Director of Research, had a similar position at the New Hampshire Housing Finance Agency, and worked several years at Applied Economic Research, a private consulting firm.

Mr. Mayberry said that the Purpose of his presentation is for the board to understand impact fees so they can decide if they want to implement a fee.

Mr. Mayberry gave a Power point presentation on impact fees. He said the basic concept of an impact fee is a way to capture the capital costs of expansion of town capital base that is done to meet the needs of new residents. He emphasized that it can only be for capital costs (capital costs do not include land for open space but can include the land needed for a facility such as a school or recreation center), only those costs associated with new development, only charged on new development, and must be carefully calculated to ensure the person paying is paying only their appropriate share.

Mayberry noted there are two parts to establishing an impact fee. The first is an enabling ordinance which generally must be passed by town meeting. The second is the "methodology" which details the amount of the fee and how it is calculated. In general, Towns delegate this responsibility to the Planning Board in their enabling ordinances.

Mayberry said that the impact fee could be set aside for a future capital cost, or used to pay the bond on a completed capital project. In fact it often works easier as a means of recovering costs than saving for them because it can be done with more precision, and it is not necessary to track individual payments for several impact purposes.

There are several issues that a Town needs to address in developing an ordinance, including the specific definition of new development and what share of a new capital

expenditure is to serve new development in town vs. the share that is for replacing or upgrading services to existing residents.

The Impact Fee does not interfere with the right of a Planning Board to make “exactions”, i.e. to charge a developer a fee for a specific capital improvement that is necessitated by a specific development. In general, the point at which a fee is assessed is at the time of subdivision. However, an impact fee can be charged on a lot that was subdivided more than 4 years ago. Fees are most often collected (as distinct from assessed) at the time a building permit or certificate of occupancy is issued.

Mayberry emphasized that this is the time for Towns like New Durham to establish an impact fee. “Once the growth is completed, the opportunity for the fee is gone forever.”

An impact fee needs a provision in it to waive the fee if the purpose of the fee is irrelevant to the particular development. The most frequently cited situation is that many towns want to waive any impact fee for school capital costs if a developer is building elderly housing that will not add to the school population.

Mayberry told the board if it decided to go forward with an impact fee, it would need to define all these issues in the ordinance, and in addition it would need to look at issues related to returning unspent funds, appeals, and alternative calculations from a developer.

Board agreed to consider and contact.

Zoning Districts:

Julie LaBranche, Senior Planner at the Strafford Regional Planning Council provided a Power Point orientation to establishing zoning districts for residential and business purposes. She noted that the planning board’s general legal authority to establish zoning ordinances is laid out in RSA 674:16. RSA 674:17 specifies the purposes and goals that can be accomplished through zoning ordinances. And 674:20 specifically authorizes the town to establish zoning districts.

Ms. LaBranche referenced the New Durham Master Plan which seeks to retain rural character and small town atmosphere; conserve open space and protect natural, historic and cultural resources; and provide for economic development that does not negatively impact the community and existing transportation networks.

LaBranche told the board that, given the town's interest in protecting natural resources, the most effective approach to creating zoning districts is what is called "Natural Resource Based Planning." This approach utilizes information about the types and locations of natural resources in the community. This information is used to identify the natural resource areas that should be protected through conservation actions. It then looks in those areas where development will have the least negative impact on natural resources and combines this information with transportation networks, existing services, etc. to decide where to focus development. As a final step this process identifies the ways in which the impact within development zones on the natural resources can be kept to a minimum.

Ms. LaBranche reminded the Board of several important steps it has already taken toward protecting natural resources. She emphasized the importance of looking at land use development together with transportation and think how the design of transportation systems impacts the quality of life in residential areas.

Julie LaBranche reminded the board that protecting land in one part of town needs to be balanced with higher density of use in other parts of town. She emphasized that density and lot size are different characteristics, i.e. small lots can accommodate higher density through multi-family dwellings or apartments.

She summarized some of the best practices in Conservation Subdivision Design, and described the importance of the Village Center concept. She described ways of minimizing the negative impacts of development through good storm water management, limits on land disturbance, and setback and landscaping requirements. Finally, she reiterated the importance of strong design review process that utilizes third party expertise where necessary to ensure the best possible subdivision and site plan designs.

Board members discussed a number of questions about the issues in creating Zoning Districts. Chair Craycraft called for a 10 minute recess at 9:17 PM

Bob Craycraft reconvened the meeting at 9:30 PM. He passed the gavel to Don Voltz who, as senior member of the Board, is designated by the Rules of Procedure to chair the meeting during the selection of officers.

Mr. Voltz opened the floor for nominations for chairperson. Mike Clarke nominated Don Voltz. There was no second. The nomination was dropped for want of a second.

Peter Rhoades nominated Bob Craycraft. There was no second. The nomination

was dropped for want of a second.

Don Voltz nominated Cathy Orlowicz. Mike Clarke seconded the nomination. Acting Chair Voltz opened the floor for discussion.

Bob Craycraft noted the importance of bringing outside experts in to help the board with various activities. He asked Ms. Orlowicz if she thought she could do that without clashing with them when she disagreed. Cathy Orlowicz said she thought she could and she hoped that she and Bob Craycraft could work side by side to continue to make progress.

Ms. Orlowicz said that she hopes that one of the things she can do is to eliminate the negative atmosphere. She thinks that by having somebody like herself who is a little bit neutral that can help. She noted that Mr. Allen had prepared a long list of goals for the Board, and she is hoping to work together to keep it moving. She asked members, "Can't we remove some of the nastiness we have seen?" She said she was offering to be the chair to facilitate working together and keeping things moving forward.

Mike Clarke said he thinks the board needs a change, and that Cathy can do the job.

Don Voltz said that in terms of the regulation part of the Board's work that any of the members of the board could chair any subdivision discussion, given the regulations and checklists and third party reviews that the Board has. He felt it would not take a rocket scientist to chair the meetings and that Ms. Orlowicz two years as an alternate provided plenty of experience.

David Allen said he would ask any candidate which of the items on the list of qualifications he had drawn up were her strong points, and which were items she could use some help with. And he asked if she would be open to getting support in those areas.

Ms. Orlowicz said she believed it was appropriate and critical for a community to develop a shared vision of what they want to be in the future. She noted that the Board has a master plan in place that they can work from. She believes she can listen to and hear what the "customers" of the Planning Board have to say and that she has no real or perceived conflicts of interest. She definitely believes in putting the interests of the whole town ahead of her personal interests. She noted that the issue of people in town trusting their government is one of the issues that needs work and she believes she can help to improve that.

Acting Chair Voltz called for a vote on the election of Ms. Orlowicz as chair:

Cathy Orlowicz	yes
Don Voltz	yes
Mike Clarke	yes
Bob Craycraft	yes
Peter Rhoades	no

Mike Clark nominated Don Voltz as vice chairman. Cathy Orlowicz said she was hoping they could elect Bob Craycraft to that position. Mike Clarke withdrew his nomination. Peter Rhoades nominated Bob Craycraft as Vice-Chair. Cathy Orlowicz seconded.

Cathy Orlowicz	yes
Don Voltz	no
Mike Clarke	no
Bob Craycraft	yes
Peter Rhoades	yes

Bob Craycraft nominated Mike Clarke as secretary. Mr. Clarke declined. There were no other nominations. Peter Rhoades moved that the Board work without a Secretary. Mike Clarke seconded. Passed unanimously

Don Voltz turned the chair over to newly elected Chairperson, Cathy Orlowicz. She noted that the Board had worked on a vision statement and a statement of mission at its last meeting. She asked Board members to send their feedback to staff before the next meeting. Bob Craycraft noted the importance of making arrangements with the consultants they had heard from at this meeting. He asked if revised Subdivision Regulations could be on the agenda for the next meeting.

Chair Orlowicz asked what items were on the agenda for the next regular board meeting. Allen said the continuation of the Kodiak subdivision application was the only item of regulatory business.

Don Voltz moved to adjourn the meeting at 10:04 am. Mike Clarke seconded. Unanimous.

Respectfully submitted,

David Allen
Land Use Administrative Assistant
Minutes approved September 18, 2007