

MINUTES
NEW DURHAM PLANNING BOARD
16 September 2014

Acting Chair Drummey called the meeting to order at 7:07 pm and designated Ms. Chabot to sit in as a voting member.

Roll Call: Bob Craycraft, Scott Drummey, Paul Raslavicus, David Swenson (Selectmen's Representative) and Terry Chabot (Alternate).

Excused Absence: Dot Veisel

Others Present: David Bickford, Gregory Anthes and Bruce Mayberry

Public Input: There was no public input.

Bruce Mayberry School Impact Fee Update – Bruce indicated the Planning Board had asked him to update the School Impact Fee. There are four major variables: enrollment per square foot, square footage per pupil, cost per square foot and a credit allowance to offset the taxes paid for new development. Bruce indicated that some variable had changed since the original impact fee was developed. Enrollment per square foot has gone down but expense per square foot has gone up. The information Bruce discussed is outlined in “Basis of Assessment for Public School Impact Fee, 2014 Update” dated July 31, 2014.

Bruce indicated that the composite impact fee has increased to \$3.09/square foot if using the same fee formula used in the 2009 study. Using a new fee formula method Bruce calculated the fee schedule at \$2.77/square foot.

David Swenson asked a series of questions to which Bruce responded:

- Question: What is the basis for the 150 square foot exclusion referenced in the executive summary. Answer: The Planning Board instituted a fee exemption for the first 150 feet of new development.
- Question: why not lower the rate and avoid using an exclusion. Answer: Bruce believes the school impact fee is the most complicated to develop and the state does not give much guidance. Bruce indicated the fee structure was developed to ensure proportionality.
- Question: Why is this not considered a new tax on new construction? Answer: the fee is technically a land use law rather than taxation law.
- Question: are impact fees required? Answer: no.
- Question: why is the impact fee not considered double dipping? Answer: there is some overlap.
- Question: can the impact fee be used for other services? Answer: yes, but separate accounting would be required to assess fees for different services and a methodology would need to be established to derive at a formula for the impact fee.
- Question: what is the impact on the property tax assessment on the impact fee? Answer: The credit allowance amounts to approximately \$.66/square foot.
- Question: What factors do we have to consider when tuitioning in of students from

Middleton or elsewhere? Answer: make sure there is sufficient surplus capacity.

- Question: Given the declining student population, why would you include such a large as factor of new construction as has been the case historically. Answer: we are using the long-term average, as a group, and in general the average is at or above for new construction vs. existing construction.
- Question: why exclude waterfront properties from the calculations. Answer: most waterfront properties are seasonal.
- Question: What other methods have been used to calculate impact fees. Answer: a bedroom based fee formula was previously developed but the board preferred the fee/unit area formula.
- Question: Why the impact for new construction given the relatively small use capacity and declining enrollment rates. Answer: the point is that there is surplus capacity and there is a rationale that you can recoup the surplus capacity costs with the school impact fee.
- Question: Are there any trends with impact fees among other towns you are working with. Some towns are dealing with aging formulas and how to update the fee schedules; most updates are not frequent enough. Most towns that wanted an impact fee ordinance have already adopted one but not all towns have implemented fees.

There was some discussion of whether or not waterfront units should be included in the impact fee calculations. Bruce indicated he was contracted to update the original impact fee assessment that did not include the waterfront lots in the fee calculation. He could update the fee schedule and include those lots but that work would be charged at an hourly rate as it was not included in the original scope of work that was based on a fixed fee.

The board will continue the discussion of the impact fee formula update at the October 7, 2014 meeting.

Zoning Ordinance Edit - Board members continued to review the draft edit of the first half of the Zoning Ordinance prepared by professional editor Elaine Planchet. Board members discussed the definition of Accessory Dwelling Unit and proposed the definition “A single accessory dwelling related to a single family dwelling”. Board members decided to review the old and new drafts on their own time and come prepared to continue the zoning ordinance discussion on October 7, 2014 using the September 4, 2014 zoning ordinance edit draft as the working template.

Review of Minutes - The board reviewed the minutes of 2 September 2014. On page 1, 3rd section under the heading ‘Acceptance and Public Hearing’ the word ‘site’ was changed to ‘sit’. On Page 2, under the heading ‘Town Owned (Tax Deeded) Property’, last paragraph the font size was corrected. On page 3, the spacing was corrected in the ‘Review of Mail’ paragraph.

Motion: Mr. Raslavicus made a motion to approve the 2 September 2014 Planning Board minutes as edited. The motion was seconded by Mr. Craycraft. The motion carried unanimously.

Review of Mail - Chair Drummey distributed a Shoreland Impact Permit 20013-00300 located at 47 Meaders Point Road, Tax Map 111/Lot No. 24, for review.

Mr. Craycraft made a motion to adjourn at 9:24 PM. Ms. Chabot seconded the motion. The motion carried unanimously.

Respectfully submitted,

Robert Craycraft