



Minutes

NORTH HAMPTON PLANNING BOARD Work Session Wednesday, December 20, 2004

Page 1 of 6

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription. An audio recording of the meeting is available in the Town Office. In the event that a question arises about verbatim comments, it can be answered by listening to the recording.

Attendance

Attendees: (1) Phil Wilson, Chairman; (2) Judy Day; (3) Craig Salomon; (4) Ron Todd; (5) Laurel Pohl, Alternate; (6) Jill Robinson, Circuit Rider/RPC; and (7) Amy Kane, Recording Secretary, pro tem.

Members Absent: (1) Shep Kroner, Vice-Chairman; (2) Jon Rineman, Selectperson Representative; (3) Joseph Arena; (4) Beth Church, Alternate.

Guests: (1) Robert Landman, 34 Post Road; (2) Peter Parker, 19 Hobbes Road; (3) Cynthia Swank, 19 Hobbs Road; (4) Larry Miller, Mill Road.

Mr. Wilson called the meeting into session at 7:09 PM.

Items Considered

Delivery of new RPC Modeling Maps – Bob Landman (RPC Chairman)

Mr. Landman delivered three maps from the Rockingham Planning Commission showing North Hampton land use in 1962, 1974 and 1998. He reviewed them sequentially, noting the large increase in developed area between 1974 and 1998. The maps were produced at the University of New Hampshire and are available digitally online, noted Mr. Landman. They can be read with Arc Viewer, which operates on a PC or Macintosh. Mr. Landman asked the Board to review the maps and offer corrections if necessary.

A discussion of the concept of enacting, by ordinance, a driver registration fee to fund transportation projects to increase the likelihood of having state matching funds – Bob Landman (RPC Chairman)

Mr. Landman reported that funds to pay for North Hampton transportation improvements such as bike paths and sidewalks could be raised through a license fee, as recently authorized by the NH legislature. State gas tax funds are available if a town matches 20% of the cost of the transportation project, said Mr. Landman. Projects are currently funded through warrant articles. A user fee appropriates funds without going to voters, said Mr. Landman. A license fee of up to

\$5 may be collected through the town clerk. Money would accrue in a capital reserve fund. Voters would authorize expenditures from the account.

As an example, Mr. Landman distributed copies of a Resolution Re: Funding of City Transportation Improvements from Dover, NH authorizing a capital reserve fund for transportation projects. Mr. Landman discussed some current transportation needs in North Hampton. He said it would take time for funds to accrue in a reserve fund, maybe 10 years. Ron Todd asked if it was a motor vehicle registration fee or a driver's license fee and if the Town Clerk received a portion of the fee, maybe 50 cents. Mr. Landman said it was a registration fee and Town Clerks in New Hampshire may receive a portion of fees collected in addition to salary.

Phil Wilson asked Board members what they thought of the concept of a registration fee. Mr. Landman said there could be a public perception that it is another tax and for a specific project, even though expenditures must be authorized by voters as in any other capital reserve fund. Craig Salomon was also concerned it would be perceived as yet another tax "coming through the back door". Judy Day noted that the Planning Board couldn't recommend money warrant articles. Mr. Landman said the Planning Board, as the town's planning entity, should recommend to the selectmen an article authorizing this fund. Ms. Day asked if Mr. Landman would pass the information on to the selectmen and Mr. Landman said that as RPC appointee he worked for the Planning Board, which is why he reported to the Planning Board first. Mr. Todd asked if Mr. Landman would present the idea to the selectmen if the Planning Board agreed to the concept. Mr. Landman agreed. Mr. Wilson suggested it be put in the agenda of Master Planning work.

Understanding Impact Fees

Jill Robinson said she had surveyed other towns and conducted online research into impact fees. Large towns often have a "potpourri" of impact fees that can be applied to roads, libraries, and recreation, anything that is capital funding. Ms. Robinson noted that it is generally beneficial to have fees, but there is a cost to administer and manage them and a point at which the cost is too great to make it worthwhile. Ms. Robinson said that impact fees are not an area of expertise for RPC and she suggested certain consultants if the town chooses to proceed with impact fees. In addition to administration, she noted, there is a cost to do a study to set the impact fees. She said she had examples from other towns, Londonderry and Salem. Ms. Robinson said she had more information that if a committee wanted to work on impact fees, or she could work with the Board on this topic.

Peter Parker asked if an impact fee went into a capital reserve fund and Ms. Robinson said yes, that would probably be the mechanism. Fees would be connected to the Capital Improvement Plan or another formal process, not just something the Planning Board would decide to do. An impact fee does not go into the undesignated fund but is specific to capital expenditures. Mr. Salomon noted that money not spent within six years would be returned to the developer. He said developers tend to favor impact fees as being more predictable than growth management ordinances. Judy Day said she had put this topic on the agenda to get insight. She made copies of Hampton's fees for the Board. She said she had heard talk about the number of calls received by police and fire from Route 1 businesses and was astonished at their impact. Mr. Todd noted

that in classes he had attended no one from other towns where impact fees existed thought they were a bad idea. He said computer programs make the process of developing fees easier and more likely to stand up in court.

Mr. Salomon noted that in towns where he practices fees usually work well, for example, Hampton is happy with their ordinances. He said he supports impact fees and that, in conjunction with other departments, the Board should figure out what they want to target. He also said that in towns where a growth management ordinance is in effect, the ordinance does not apply to projects that are assessed impact fees.

Mr. Landman said the RPC lobbies the Legislature and the 6-year law should be lengthened. Ms. Day said that, after reviewing fire and police data, it is clear where the impacts are. Mr. Wilson said the work done this year projecting that \$5-9 million will need to be spent in coming years on upgrading municipal facilities gives the Board reason to explore impact fees. He suggested contacting Tom Gillick, former chairman of the Hampton Planning Board, to gather more information. He noted that data documenting the need for fees would be necessary and that the town can only collect the part of the capital cost allocable to specific impacts of each specific development proposal. Mr. Wilson suggested that the Board had done a good job of collecting funds for major impacts of specific projects, as in the example of Home Depot and improvements funded by the developer for improving the entrance off Lafayette Road and for sidewalk construction along Lafayette Road as far north as the Atlantic Avenue intersection.

Ms. Day said she had attended the Board of Selectmen budget review that day and that money had been cut in half for the Planning Board budget. The selectmen had asked Ms. Day to pass along to the Planning Board that a representative should attend the Budget Committee meeting the following night to justify the Planning Board proposed budget. Mr. Wilson said that this year's tax situation called for zero-based budgeting.

Larry Miller suggested that dollars spent by the Planning Board were valuable for town planning purposes and problems the town has now had accumulated over the years due to poor management. He offered that the town may need a full-time town manager and that by spending less now the town may be wasting more in the long run. Mr. Miller said the Planning Board had made a mistake by not interviewing members of the Municipal Facilities Advisory Committee before deciding not to support their warrant article.

Ron Todd said that he felt the timing of the MFAC warrant article was not prudent due to this year's tax increase, regardless of its benefits, and he was disgusted by the way the money had been spent for the last municipal facilities study. He said he would not support the article unless there was a guarantee the \$75,000 would be put to good use. Cynthia Swank, a member of the MFAC, said the article had been purposely made vague because that is the way warrants are written.

Mr. Wilson said a "scope of work" needed to be written to define what was expected. He had voted against the warrant because he felt a scope of work was impossible to define until amendments were made to the Master Plan and new CIP chapters written. Mr. Wilson said it

was the role of the subcommittee (MFAC) to report to the Board and that the Board gave feedback that a \$75,000 warrant without a scope of work attached was not prudent. He said he would not let the Board of Selectmen usurp Planning Board authority and legal responsibility and put the warrant out for a vote.

Ms. Swank said the MFAC could not go forward without the expertise of an architect. Ms. Day said that no one from the MFAC had been present to share information when the decision had been made because they did not know it would be on the agenda. She agreed the warrant could be better defined to avoid a repeat of the Mires' situation. She worried if the MFAC did not go forward, information would be lost. Mr. Todd said the MFAC should be able to define the scope of work and since he had no sense that was being done, he voted against supporting the article. Ms. Day suggested the warrant would bring the decision to the voters about whether to proceed. If the town does not plan ahead, it causes tremendous expense, she said.

Mr. Salomon said the role of the MFAC was to research and report on priorities for municipal planning, then that would be put into the Master Plan and warrant articles developed from that. The warrant need not contain the scope of work but a back up document should. Peter Parker suggested everyone should read the Master Plan and there be an improved process for the transmission of information. Ms. Day reaffirmed that she would like the voters to have the option of solid long-range planning. She noted that the Board of Selectmen would not put the article on the warrant without Planning Board approval. Mr. Wilson asked if she would like to make a motion to reconsider.

[Laurel Pohl was seated for Joe Arena at 8:40 p.m.]

Ms. Day moved and Ms. Pohl seconded the motion that the Board reconsider its vote of the last Work Session not to support or endorse the Municipal Facilities Advisory Committee warrant article to appropriate \$75,000 for an architect/engineer.

Ms. Day supported reconsideration because: the Board did not have enough information before the original decision; the Board of Selectmen was favorable towards the article and had already drafted it; a positive cycle of communication was occurring in the town; it would help determine next steps in town. Mr. Salomon said he would support the motion if amended to include a scope of work written by the selectmen. The vote tonight would be advisory to the selectmen, he noted.

Mr. Wilson said he was not willing to delegate the work of planning to the Selectmen. He supported the development of a Master Plan chapter proposed by the subcommittee first, before asking an architect to come in when the plan was more specific. Ms. Robinson asked how the committee came up with the number. Ms. Day said Rich Goeselt had contacted an architect who provided three estimates, for \$75,000, \$60,000 and \$45,000 for three different levels of service.

Craig Salomon offered an amendment to Ms. Day's motion and Mr. Todd seconded the motion that the endorsement of the \$75,000 selectmen's article will be conditional on a scope of work being developed and reported back to the Planning Board and that the Planning Board approve the scope of work.

The vote was 4-1, with Mr. Wilson opposed.

Growth Management

Ms. Day said she would be happy if the Board committed to reviewing growth management once a year and that it was not urgent to review it at this time. Ms. Robinson offered that a growth management ordinance needed to be tied to an assessment process. Mr. Wilson asked for the sense of the Board: Should the Planning Board look seriously at growth management and impact fees on an annual basis? There was general agreement and no objections were noted.

Manufactured vs. Modular Housing

Mr. Todd said this item was on the agenda because Mr. Kroner had been concerned a future proposal might include not just manufactured but modular housing. Mr. Todd said the definition of manufactured housing is specified in RSA 674:31 and states that it "shall not include pre-site-built housing". Ms. Robinson said that all her sources were consistent: manufactured housing has a non-removable steel chassis and modular housing was pre-site-built. Communities can restrict where manufactured housing is located to some extent; modular housing has to meet the same codes as other housing and is more like a house. Mr. Wilson said he felt the Board was clear on this item and may need to amend site plan regulations in the future.

Committee Update

Ms. Day asked that the Board of Selectmen be notified of the change concerning the MFAC article. Amy Kane offered to e-mail the motion to Ms. Day and selectmen in the morning.

Mr. Wilson noted that he would recuse himself from cell tower issues as he had been in discussion with a realtor about having the tower on his property.

The Board postponed consideration of minutes for lack of a quorum.

Warrant Article Review

The Board reviewed section 507 concerning the definition of home occupation businesses; several minor changes the Board had requested had been made since the last review. Mr. Salomon noted that he had already moved that the Board take the article to the public hearing with the amendments. There was discussion of specific verbiage. The Board agreed and Ms. Robinson recorded this addition: "any home occupation otherwise allowed as either a permitted use or special exception under the terms of this ordinance."

Mr. Todd moved and Mr. Salomon seconded the motion to take the article to the public hearing as amended.

The motion passed with a unanimous vote (5-0).

Ms. Robinson said that at the last work session the Board had discussed two warrant articles based on new legislation. Towns will adopt new FEMA flood map wetland definitions for consistency and according to RSA 486:82x. North Hampton breaks down wetlands into three types: tidal; inland; isolated non-bordering wetlands. Ms. Robinson recommended re-designating wetlands as: tidal lands; wetlands; isolated non-bordering wetlands. Setbacks and buffers will remain the same. Tidal lands are “all lands submerged by mean high tide”.

Ms. Pohl moved and Mr. Salomon seconded to take the amendments to the zoning ordinances proposed by Jill Robinson to the public hearing (which will be January 4, 2005 at 5:30 p.m.)

The motion passed with a unanimous vote (5-0).

Ms. Robinson said she had passed out a report at the last meeting about impervious surfaces and information about a grant from New Hampshire Estuaries Project. She asked Board members to review the material for discussion later.

Adjournment

Ms. Pohl moved and Mr. Todd seconded the motion to adjourn.

The vote was unanimous (5-0).

The meeting adjourned at 9:40 PM

Respectfully submitted,

Amy Kane
Recording Secretary, pro tem