

TOWN OF EAST KINGSTON, NH
PLANNING BOARD MEETING MINUTES

March 12, 2001

WORK SESSION

Members attending: Richard A. Smith Sr. - Chairman, Dr. Robert Marston, Beverly A. Fillio, David G. Morse, and John L. Fillio - Ex-officio (8:20 p.m.)

Absent: Edward C. Johnson.

Others Attending: RPC Planner Maura Carriel, RPC Assistant Director Glen Greenwood, and J. Roby Day.

Chairman Smith opened this March 12, 2001 Planning Board Work Session at 7:10 p.m.

Impact Fees: It was noted that RPC Assistant Director Glen Greenwood was invited to speak with the board regarding impact fees. He spoke with the board for approximately an hour and a half in which the following information was provided.

In the early 90's towns were collecting impact fees that were not part of a formal ordinance – this was allowed by the statute, however, since a recent court case in Derry, informal impact fee policies are no longer allowed. If impact fees are to be implemented, they (impact fees) must be clearly outlined within the town's ordinance. Furthermore, to place them in the ordinance, there needs to be studies conducted to support the assessment of the fee in the first place.

Mr. Greenwood recommended that if the town wishes to adopt an impact fee ordinance, it would be wise to have it ready for Town Meeting 2002. Although the ordinance would not be voted on until 2002, once it is completed and a motion to post a public hearing for it has been made, the ordinance virtually goes into effect until it is voted on at Town Meeting.

He explained that the first impact to community development is usually the schools. The second is road improvements due to the increase of traffic created by the development. Other impacts include emergency services, trash removal services, etc.

Members agreed that the continued growth of the town would place an enormous burden on the one small fire station currently servicing the town. Noting the board's expectation of several potential elderly housing developments, members noted that emergency services would likely increase – both ambulatory services and police services.

Mr. Greenwood agreed that statistically those services would increase due to the nature of the development and stated that the board would need to calculate what things would trigger the need for the town to construct new structures or provide more services (i.e. a second fire station, and additional police cruisers). He noted that only capital expenditures can be included in the assessment – not manpower. The board will need to assess the placement of such new buildings, and their proximity to the area needing the coverage.

He stated that the Rockingham Planning Commission will be learning more about the impact fee structure in the next eight to ten months and they will be involved in creating impact fee ordinances. They currently have drafted an outline that can be tailored to meet the needs of each town. Impact fees are tied to the Capital Improvement Plan, the Master Plan, and the Zoning Ordinance – these items must be current. He noted that East Kingston's Master Plan does not include a Growth Management Chapter and that it should have one to support the town's Growth Control Ordinance. A Growth Management Chapter would also support an impact fee ordinance – not having one is inefficient.

Mr. Day stated that he thinks the town's Growth Control Ordinance is well-written enough to shape into a Master Plan chapter as much information was gathered to produce it – the ordinance speaks to the major issues of growth management. He recommended putting the GCO into a different format for the Master Plan chapter.

Mr. Greenwood offered to provide the board with other town's growth control ordinances for comparison. He also noted that adopting a new chapter to the Master Plan could be done at the Planning Board level via public hearings. He stated that after Town Meeting other towns share their ordinances, zoning amendments, etc. with each other, thus he would have more models to look at and share with the board. An impact fee ordinance would require a Town Meeting vote – but it can be posted and put into effect at anytime.

Members then inquired about an impact fee schedule. Mr. Greenwood explained that each one is unique to the community. He noted that Newmarket is proposing a \$6,800 impact fee predominately for school impact and Brentwood is considering a \$10,000 impact fee. He stated that they used to run \$2,000 to \$2,500 now they are much higher – and the higher they are, the more response is received from the building community. Some formulas are incredibly complex. He recommended that Town Council be involved in drafting the impact fee ordinance.

Rockingham Planning Commission has not yet determined the cost of writing an impact fee ordinance, however, they may possibly be offered in a Targeted Block Grant (matching funds program). It was noted that East Kingston has been very successful in receiving such grants in the past. Mr. Greenwood agreed to look into the estimated cost and report back to the board.

Further discussion regarding the impact fee calculation consisted of factoring in as many as two to three years past for a capital expenditure and incorporating that figure into the impact fee (as long as the growth ability is still there) as well as consideration of expenditures to the middle and high schools. A cooperative district-wide impact fee can be implemented to cover capital expenditures to both schools. He then recommended using the private consultation of Bruce Mayberry who specializes in district-wide impact fees. The statutes indicate that the impact fees collected must be earmarked for specific areas of capital expenditures and that it must be used within a six-year timeframe. Bookkeeping could become cumbersome for small towns as the impact fees are only a percentage of the total cost of the capital improvement – the town must have the remaining funds to support that expenditure.

Mr. Day stated that he wants to see the burden to fund the increased capital expenditure on the developer and not the rest of the town. Mr. Greenwood offered to send to the board a copy of Brentwood's Master Plan growth chapter as well as a model impact fee ordinance drafted by Bart Mayer. He stated that the board needs to review what is required to implement impact fees including the cost of studies needed to measure the types of impacts projected.

Alternate Member Vacancy: Noting the recent resignation of Alternate Member Peter Riley, Chairman Smith acknowledged a letter of interest to fill that position submitted by Roby Day. It was noted that Mr. Day previously expressed an interest in filling an alternate member position left by Robert Nigrolo, however, since both he and Mr. Riley served on the Zoning Board of Adjustment, he (Day) was not eligible to serve on the Planning Board as well. With Mr. Riley's resignation, that restriction no longer applied.

MOTION: Mr. Morse motioned to recommend the Selectmen appoint Roby Day to the alternate member position. Mrs. Fillio seconded. With no further discussion, the motion carried 4-0.

Growth Management Chapter: As discussed earlier in the meeting, members agreed to write a Growth Management Chapter of the Master Plan to support the town's current Growth Control Ordinance. Members also agreed that this should be a stand-alone chapter. It would need to show impact to the town as a result of sustained growth. Mr. Day stated that he thinks the board can write this chapter without employing the services of RPC. Again, Mr. Greenwood stated that he would provide Brentwood's Growth Management Chapter as a tool to help them.

Mr. Greenwood was excused from the meeting at 8:10 p.m.

Other Business: Member then reviewed the tentative agenda for the March 15th meeting. Mrs. Fillio asked that further discussion of impact fees be added to the agenda. Ms. Carriel agreed to bring more information on the subject to that meeting. Mr. Morse then announced that due to a schedule conflict, he would be unable to attend that meeting.

Mr. Fillio entered the meeting at 8:20 p.m.

Members then reviewed the current planning board member roster. Noting that additional alternate members should be added to board, Chairman Smith stated that interested parties recently approached him and that he would further inquire of their interest.

It was then noted that the only department head to submit their CIP worksheet to date is Dr. Marston (Animal Control Officer) (due date is March 15th). Ms. Carriel stated that other towns have assigned board members to track down specific department heads to encourage their prompt submittal. Members agreed to do this and asked that a list of department heads be made available at the next meeting.

Mr. Fillio stated that he had new information about a petitioned article (#26) to be voted on at the Town Meeting. This petition is to request the town to accept the remaining 610 feet of Andrews Lane as a town road. He stated that the Selectmen asked Town Council to look into this petition and it was reported that none of the people on the petition hold the deed to the road. Someone by the name of

Tucker recently purchased it and they are not on the petition. Furthermore, the road does not meet town standards – property frontage would need to be taken to widen the road. He stated that the Selectmen would continue to not recommend the passage of this article.

Members were then asked to review a draft Home Occupation application and report their recommendations for improving it at the next meeting.

With no further business,

MOTION: Dr. Marston motioned to adjourn. Mr. Filio seconded. The motion passed 5-0 and this March 12, 2001 Planning Board Work Session ended at 8:47 p.m.

Catherine Belcher
Secretary

Minutes completed and on file March 15, 2001.

Approved: 3/15/01