



*OLD VALUES - NEW HORIZONS*  
**COMMUNITY DEVELOPMENT**

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**Planning Board Minutes 9/01/10**

**Roll Call Planning Board:**

Phil LoChiatto, Chairman – Present	Rick Okerman, Member – Arrived at 7:55PM
Nancy Prendergast – Vice Chair- Present	Ruth-Ellen Post, Member – Present
Kristi St. Laurent, Member –Present	Sy Wrenn, Alternate – Excused
Pam Skinner, Member - Present	Bruce Breton, Selectman Member – Present
Louis Hersch, Alternate - Excused	Lee Maloney – Alternate - Present
Bruce Richardson – Alternate –Present	Ross McLeod, Selectmen Alternate Member – Excused

Ms. Lee Maloney is seated for Rick Okerman.

**Staff:**

Laura Scott, Community Development Director – Present  
Elizabeth Wood, Community Planner - Present  
Tracey Mulder, Planning Assistant – Present

**Call to Order/Attendance/Pledge of Allegiance**

**Impact Fee Workshop**

Ms. Prendergast read the workshop description into the record.

Glenn Greenwood, Assistant Director of the Rockingham Planning Commission, addressed the Board and presented an overview of what impact fees are, their history, and how communities across NH use them. He went on to explain that impact fees originated in other parts of the country when developers were building several hundred homes in a community and the recognition that new schools and other infrastructure improvements were needed to accommodate the community.

Mr. Greenwood outlined in his presentation regarding impact fees:

- The reasoning behind impact fees based on RSA 674:21
- How impact fees are segregated from the general fund
- How the payment of impact fees are tied to the building permit
- A community has 6 years from the date of collection to spend the money on the capital facility for which it was assessed

Mr. Greenwood went on to discuss that the CIP must be updated annually and that the methodology to support the impact fee assessment is complex and requires maintenance. A precise accounting system is extremely important.

Ms. Scott provided an update on what impact fees are currently in place in Windham and how the fees are assessed and collected. She went on to say we have two school impact fees that are currently being collected and that one is being phased out because it has been replaced by the recently adopted high school impact fee.

Ms. Scott noted that the Community Development Department staff is currently in the process of developing a comprehensive database of all parcels that have been assessed an impact fee that have yet to make payments. As well, staff is researching the status of developments that were exempt from paying impact fees to determine if the 4 year exception has expired.

The Town is currently cycling out one of the school impact fees and in time the Town will only be collecting the high school impact fee. In addition, as the Planning Board assesses impact fees, the specific amount of the fee is noted on the plans, which makes it easier for tracking purposes and to ensure nothing is missed at the building permit stage.

Ms. Scott said that once the assessment of the outstanding impact fees is completed by department staff, she will provide the Board, Finance Director, School, Police, and Fire Departments with the information.

Dana Call, Finance Director, provided a financial update of what impact fees have been collected to date, what fees have been expended, and how the fees are tracked. Ms. Call explained how the interaction with impact fees works between the Community Development Department and Finance.

Chair LoChiatto asked about the accounting method of the impact fees. Ms. Call explained the all impact fees are segregated in an account separate from the general fund. Each fee is tracked separately but they are not in individual accounts. Ms. Call explained that when funds are expended the theory is that it is first in first out with the fees so that there is not an issue with the 6-year time period. The funds are collected based on the Planning Board adopted methodology and expended on items listed in the methodology.

Chair LoChiatto opened the workshop to the public.

Mr. Tom Case addressed the Board and noted that when looking at RSA 674:21 it reads in order to have an impact fee the Town must have a CIP. He said that any project earmarked for impact fee funds should be in the CIP. Mr. Greenwood responded that it is implied that the things that are going to be assessed impact fees are mostly likely going to be a line item in the CIP.

Mr. Case also asked about the old impact fees that were assessed to pay for the middle school addition. The bond was paid off a year ago but the Town is still collecting the fees. Theoretically, if they are still collecting the money and the fees are not being used for their original purpose, then they need to be returned to the developer. Ms. Scott responded that the previous school impact fee, which is no longer being assessed on new developments, was not just for a bond payment but the methodology was loosely written for capital expenditures for the school system.

Mr. Case provided a scenario where a developer builds several homes, but the homes don't sell and the developer is still charged an impact fee. Mr. Case wondered what the impact was to the Town

since the homes did not sell. Ms. Scott responded that the fees are not collected until the Certificate of Occupancy is issued.

Mr. Okerman arrived and was seated at 7:55 PM.

Mr. Hohenberger addressed the Board saying the premise behind impact fees is based on a rational nexus between the need for the capital improvements and the people that are generating the need. Mr. Hohenberger said that impact fees are only assessed on new developments because of the correlation between new development growth and new student growth. In addition, he pointed out that the language in the methodology and the RSA cites the ability to collect payments for expenditures that were made in the past for that purpose. He went on to say that the Town did not extract all the monies available on a yearly basis because in the CIP, they tried to offset the balance knowing they were going to have lean years.

Mr. McMahan addressed the Board saying he has always been in opposition to impact taxes. He went on to say the bond for the high school is not part of the CIP and he wonders how it conforms to the intent of the law when a CIP authorization with funding from impact fees and other funding sources are to go specifically to a project over a 6 year time frame and how is it allowable and should it be? Chair LoChiatto said it was his understanding that the amount of the impact fee only can go toward the expanded or future growth of the high school. Mr. McMahan said the Town does not currently work this way with impact fees. He wondered if this should be in the CIP methodology.

Ms. Scott addressed one of Mr. McMahan's concerns indicating that an item does not need to be in the CIP to collect and expend impact fees but there needs to be an adopted methodology. Ms. Scott stated that in most communities, if impact fees are being collected for capital expenditures where a bond was issued, the entire amount collected in a given year is used to help offset the bond payment. What Windham does, having a set amount annually requested by the School Board regardless of the amount collected, is just a different way of budgeting long-term.

Chair LoChiatto closed the workshop to the public.

Mr. Ralph Valentine said the Recreation Committee has not completed their master plan and hopes to have it completed by the end 2010 so that the Committee and Board can look at whether impact fees for recreation makes sense.

Ms. Scott stated that the Public Safety Impact Fees would be reviewed in 2011 and the School in 2012 to ensure that the methodology is up to date and accurate.

### **Stormwater Management & Road Design Guidelines Subdivision Regulations Workshop**

This workshop is to gather feedback from the public on proposed changes to the Subdivision Regulations, with a specific emphasis on stormwater management and road design.

Ms. Scott provided the proposed subdivision regulations to the Board and indicated there will be another meeting scheduled in about a month to go over this again. This information was also

provided to the Fire, Police, Highway Departments as well as the Stormwater Coordinator and the Conservation Commission.

Chair LoChiatto said he would like to point out that although the Planning Board authorized Mr. Keach to work on this, it makes it difficult to have a meeting when Mr. Keach provides the documentation on the same day as the meeting and he would have appreciated having this material earlier in the week so the Planning Board could have adequate time to review and respond.

Mr. Steven Keach, from Keach Nordstrom and Associates, addressed the Board saying at the meeting on June 30, he was asked by the Planning Board to take the suggestions and come before the Board with more defined changes to the regulations. Mr. Keach provided to the Board a draft of the proposed Subdivision Control Regulations and Recommended Amendments indicating that he formatted the document to be compatible with the Town's existing subdivision regulations.

The Board discussed various aspects of the proposed regulation changes and the reasoning behind some of the changes. Mr. Keach provided the Board with a Table of Geometric Roadway Design Standards for Streets.

Mr. LoChiatto opened the Workshop to the public.

Bernie Rouillard, from the Conservation Commission, addressed the Board and said he is pleased the Planning Board is recognizing that the regulations need to be updated. In addition, he addressed the lack of sheet drainage and believes this type of drainages should be implemented as much as possible.

Chair LoChiatto closed the workshop to the public.

Ms. Scott will do outreach to the Police, Fire, Highway, and Stormwater Coordinator to gather feedback on the proposed regulations. The next workshop will be in October on this topic and the material will be available 1 week prior to the meeting.

#### **2005 Master Plan 2010 Benchmark Review Workshop-Goals Accomplished & Ongoing**

Ms. Wood addressed the Board and noted she provided them with information regarding the master plan and a comprehensive list of goals accomplished & ongoing received from Town departments and committees.

The Board members need to rank these master plan goals and provide the ranking to Ms. Wood by next Wednesday. Staff will review the rankings and prioritize the goals based on Board input and provide the Board with the data at the next meeting for their review.

#### **Minutes**

The August 18, 2010 meeting minutes approval was postponed until the September 15, 2010 meeting in order to correct 2 items.

#### **Draft 2010 Meeting Schedule**

Ms. Scott discussed with the Board the upcoming 2010 meeting schedule. Ms. Scott stated that she would rather schedule meeting every week in order to accomplish all the items that the Board said they wanted to accomplish this year and cancel meetings if not necessary then run out of time.

**Community Planner's Report**

Ms. Wood provided the Board her Community Planners Report.

**Community Development Director's Report**

Ms. Scott went over the Community Development Director's Report.

**Adjournment**

Motion to adjourn at 10:35 by Mr. Breton. Second by Ms. St. Laurent. Motion passed 7-0.

These minutes are respectfully submitted in draft by Tracey Mulder.