

**RINDGE PLANNING BOARD
PLANNING BOARD MEETING
Work Meeting
Selectmen's Meeting Room @ Town Office
November 15, 2016
7:00 PM**

Pledge of Allegiance

Call to order and Roll Call by the Chairperson

Appointment of alternates, if necessary

Announcements

Approval of Minutes

1. November 1, 2016

Old Business/Continued Public Hearings

New Business/ Public Hearings

1. **CONSIDERATION OF** an application for a Minor Site Plan Review submitted by Philip R. Stenersen. The property is located at Tax Map 11, Lot 36-01-20 at Amalia Way- East View Common Land #1 in the Residential Zoning District. The applicant is seeking approval to clear an area of 50 feet by 300 feet within the P.U.R.D. buffer for additional field area.

Reports of Officers and Subcommittees

Planning Office Report

1. Kohlmorgen update
2. Update on Proposed Zoning Amendments

Other Business that may come before the Board

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
November 1, 2016**

DATE: November 1, 2016 **TYPE:** Public Hearing **APPROVED:**

TIME: 7:00 pm

CALL TO ORDER: 7:00 PM

ROLL CALL MEMBERS: Phil Simeone; Bruce Donati; Jonah Ketola; Sam Bouchie; Charlie Eicher; Jason Paolino

ROLL CALL ALTERNATES: Holly Koski, Cheves Walling

ABSENT: none

EX OFFICIO: Bob Hamilton

PLANNING DIRECTOR: Kirk Stenersen

APPOINTMENT OF ALTERNATES: none

OTHERS PRESENT: Kelen Geiger, Roniele Hamilton, Jamin and Amanda Kinnunen, John Klein, Troy Salo, Chloe Salo Gregg Aho, Calvin Reini, Larry and Elmi Olin, Simone Aho

Pledge of Allegiance

Call to order and Roll Call by the Chairperson

Approval of Minutes

1. October 18, 2016

MOTION: Charlie Eicher moved to approve the minutes as written. Jason Paolino seconded.

Vote: 7-0-0

Workshop to discuss Impact Fee and Phased Development

Chairman Phil Simeone said that he had read over a legal opinion we received from NH Municipal regarding whether or not our Phased Development Ordinance was in conflict with our Impact Fee Ordinance. A recent court case suggested that having both may be a conflict. Chairman Phil Simeone said that Kirk Stenersen was on his way and he would prefer to postpone this discussion until Kirk Stenersen arrives.

Buffer Subcommittee

Bob Hamilton asked what the status was on the Buffer Subcommittee. Jonah Ketola said that he spoke with Sam Bouchie, Kirk Stenersen and some people from the public. The sense he is getting is that it should be taken on a case by case basis rather than trying to anticipate what is coming to town. Jonah Ketola said that through the Site Plan process, buffers could be discussed on an as-needed basis depending on the particular project. Kelen Geiger said that she had contacted Kirk Stenersen who provided her with a list of areas within the zoning where buffers are required. Kelen Geiger said the state has buffer regulations as well and the Planning Board just needs to be active in paying attention to this on a case by case basis. Bruce Donati said that in the Gateway East District, the wording "appropriate buffers" is used. Bruce said this leaves someone to determine just what is appropriate. Bruce Donati said he would like to see this language better define what should be required. Chairman Phil Simeone said that this could be brought up again at future work meeting to change the wording in Gateway Districts to better define buffers.

1. Mapping 2020 on Planning Board website

Chairman Phil Simeone said that the document Mapping 2020 is on the Planning Board website. Roni Hamilton said that back in September, when she joined the Master Plan Subcommittee, the conversation came up on what other things needed to be updated. At that time the REDI documents were on the website (they have since been taken off of the Planning page) and the Mapping 2020. Roni Hamilton said if the Mapping 2020 is going to be kept on the website, then it really needs to be updated by a subcommittee. She provided a document of areas that are not consistent with what the residents want at this time.

Chairman Phil Simeone took a poll of members in favor of archiving the Rindge 2020 and removing it from the website. Vote was 7-0-0. Charlie Eicher would want it archived but accessible.

Workshop to discuss Impact Fee and Phased Development

Planning Director Kirk Stenersen said that discussions have been ongoing over the years as to whether or not to keep commercial impact fees, keep residential impact fees or do away with impact fees in their entirety. Kirk provided the Board with a spreadsheet showing all fees collected over the years and summarized how this money was spent. Over the past ten years, \$25,000 has been collected through commercial impact fees. The majority of funds collected came from Residential Impact fees and went to three departments: The School System, (which has had a declining enrollment for many years); Public Safety; and Recreation Department.

Bruce Donati said that the Jaffrey Rindge School System received \$269,000 from impact fees over an eleven year period of time. His question: Is that money used just for Rindge or is it combined with Jaffrey? Charlie Eicher said that both towns collect impact fees and that goes to the district. The district is then required to spend that money on capital expenses only (an expense of over \$5000 on something that will last at least 10 years). Charlie Eicher said the impact that this fee has on the school district budget is minimal. The overall school budget is around \$24,000,000 a year.

Chairman Phil Simeone said that some impact fees go to Recreation and to Public Safety and this money is significant to them.

Cheves Walling said the discussion should be around the Impact Fee as a growth management tool, and not on how much money we can get from it.

Bruce Donati suggested sun setting this document for three years and then revisit it. Chairman Phil Simeone said that in three more years, the dollar amounts on this document may need to be revised and that is a very complicated process. Kirk Stenersen said that he was told that \$25,000 was spent to have the original impact fees computed by a consultant.

Planning Director Kirk Stenersen said, to Cheves point, as a growth management tool, the impact fee has not worked. When the economy is good and builders' are thriving, an additional \$5726.00 on a \$200,000 house doesn't hurt the builder at all. But when things are slow, that \$5726 can really hurt a builder's chance of selling his house.

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PS, BD, JK, SB, CE, JP, BH, HK, CW, KS

Bob Hamilton said, that to Cheves' point, what was the intent of the Impact Fee ordinance? He read from the ordinance. "3. Provide for the harmonious development of the municipality and its environs". Bob Hamilton said that is growth management. Mr. Hamilton said the amount of money we collected was over a period of eleven years. When broken out by year, it is a miniscule amount of money. Bob Hamilton said he would prefer not to sunset this, but would rather eliminate it all together. Mr. Hamilton said that the town could bring it back again if it was needed.

Chairman Phil Simeone said he wasn't sure if we were to eliminate this ordinance now, would we have to pay for a new study to bring it back again at a later year?

Jonah Ketola said that if this goes on a warrant article, it should be explained that this ordinance was brought about during a time of large growth as a means to slow things down. The economy is not moving today as it was then, and Mr. Ketola said that the explanation on this warrant article must explain this better to the public.

Roni Hamilton asked about the court case which said an Impact Fee and Phased Development Ordinance could not be utilized at the same time. Planning Director Kirk Stenersen said that the court case was not clear as it was appealed and overturned. Holly Koski provided the Board with a copy of the NH Municipal Association's (NHMA) legal answer as to any conflict between our Phased Development Ordinance and our Impact Fee Ordinance. According to NHMA, our Phased Development Ordinance was not enacted as a Growth Management Ordinance, and therefore the two can be used together. Planning Director Kirk Stenersen said, that while this is the legal answer, it is not the common sense answer, - our Phased Development ordinance does manage how growth happens.

Kelen Geiger spoke in favor of doing away with the Impact Fee ordinance.

Holly Koski asked about the CIP (Capital Improvements Program) if the Impact Fee Ordinance is removed. Jason Paolino said the CIP would continue as a freestanding committee

Cheves Walling said he would like to be clear with the Board on why they are doing away with the Impact Fees.

Jason Paolino said he thinks this is an unfair tax and that is why he opposes it.

Jonah Ketola said that 11 years ago when this was implemented, there were 7 different people on the Planning Board who were in favor of the Impact Fee. Today, there are 7 Board members who are not in favor of this.

Chairman Phil Simeone polled Board members to see if they were in favor of doing away with the Impact Fee ordinance in its entirety. Sam-YES Jonah-YES Bruce-YES Charlie-YES Jason-YES Bob-YES. Chairman Simeone said it is unanimous to present to the voters that the Planning Board is in favor of doing away with the impact fee ordinance.

Charlie Eicher said that if you read the document, at the time it was created, it was anticipated that there was strong residential and commercial growth, that the growth would continue, and that this

growth would put stress on the infrastructure. And to reduce the stress on the infrastructure, the Board implemented an Impact Fee. The growth did not occur, the stress did not occur and so the need for the Impact Fee is not what it was originally intended to be. Therefore, we do not need an Impact Fee.

Planning Director Kirk Stenersen said he would put together some language for the Board to review. He also asked audience members and others to educate people in town about the need for the removal of the impact fee.

Board members discussed keeping the Phased Development ordinance as a means to control/manage growth should a large project be presented before the town.

Planning Office Report

1. Budget

Planning Director Kirk Stenersen reviewed the budget numbers before the Board. Our proposed budget would be reduced again this year by \$5683.

2. Kohlmorgen excavation

Planning Director Kirk Stenersen said he emailed Rick Kohlmorgen, hasn't heard back but will follow up again tomorrow.

3. Site Plan Regulations for Blasting and Heavy Construction Activities

Susan Hoyland has sent these regulations to Town Counsel for review.

Adjourned 8:25 PM

Respectfully submitted,

Susan Hoyland

Planning Secretary



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MEMORANDUM

TO: Town of Rindge Planning Board
FROM: Kirk L. Stenersen, Interim Planning Director
DATE: November 2nd, 2016
RE: Map 11 Lot 1-1 – Kohlmorgen Excavation Status of Expired Permit

I spoke with Rick Kohlmorgen today and the following is a summary of our conversation and the status of the expired excavation permit:

- Rick owns the property where the excavation is and Bob VanDyke was the pit operator over the last few years. As you all know Bob passed away recently so there is no operator for the excavation at this time.
- There has been no materials removed from the property over the last two to three months according to Rick.
- Rick would like to give Bob's son Jamison the opportunity to become the excavation operator and be part of the application process but he needs to meet with Jamison and work out the details.
- Jamison has been very busy dealing with his own business as well as sorting through the businesses and properties that Bob left behind.
- Rick feels him and Jamison will be able to meet by the end of November to see if they can work something out.
- If Jamison does not want to be the operator Rick will reach out to a couple of other people and see if they would like to be the operator of the excavation.
- If he cannot find work a deal he will reclaim the excavation.
- He will have a plan of attack by the end of the year.



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2017 Proposed Zoning Amendments

Article #2:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Accessory Dwelling Unit Ordinance and generally described as follows:

To amend the Accessory Dwelling Unit Ordinance by revising the 4th bullet under the "Requirements/Limitations" section as follows:

"An ADU shall only be permitted in a principal dwelling unit in which the owner of record of the property will personally reside in either the principal dwelling unit or the ADU; except for bona fide temporary absences."

(The Planning Board recommends this amendment. Vote: 0-0-0)

This amendment is intended to bring the Accessory Dwelling Unit Ordinance into compliance with a new State Statute that will take effect on June 1, 2017 (Senate Bill 146).

Article #3:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Accessory Dwelling Unit Ordinance and generally described as follows:

To amend the Accessory Dwelling Unit Ordinance by revising the 9th bullet under the "Requirements/Limitations" section as follows:

"The gross living area of an ADU shall not be less than 300 square feet or shall not be greater than 750 square feet for principal dwelling units less than 2,250 square feet or shall not be greater than one third (33.3%) of the total floor area of the principal dwelling for principal dwelling units 2,250 square feet or greater."

(The Planning Board recommends this amendment. Vote: 0-0-0)

This amendment is intended to bring the Accessory Dwelling Unit Ordinance into compliance with a new State Statute that will take effect on June 1, 2017 (Senate Bill 146).

Article #4:

Are you in favor of the adoption of this Amendment to the Town of Rindge Zoning Map as proposed by the Planning Board and generally described as follows:

To amend the Zoning Map such that all of Map 33 Lot 12-1 lies within the Village Zoning District and all of Map 6 Lot 35-3 lies within the Residential Agricultural Zoning District. Currently, the

two parcels are bisected by the Zoning District Line due to a recently approved lot line adjustment between the parcels; the goal is to have each parcel be entirely within a single Zoning District.

(The Planning Board recommends this amendment. Vote: 0-0-0)

This amendment is intended to have each parcel fall entirely within a single Zoning District and for the Zoning District line to follow the property lines.

Article #5:

Are you in favor of the adoption of this Amendment as proposed by the Planning Board for the Town of Rindge Zoning Ordinance and Town of Rindge Impact Fee Ordinance and generally described as follows:

To amend the Zoning Ordinance by repealing the Impact Fee Ordinance in its entirety. The Impact Fee Ordinance was enacted pursuant to RSA 674:21 as an Innovative Land Use Control and adopted on March 8th, 2003. Impact Fees will no longer be collected for any occupancy permits obtained on or after January 1st, 2017.

(The Planning Board recommends this amendment. Vote: 0-0-0)

This amendment is intended to no longer assess and collect impact fees as an innovative land use control for new development in the Town of Rindge.