

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
January 25, 2005
MINUTES**

DATE: January 25, 2005 TYPE: Public Hearing DATE APPROVED: 3/15/05

TIME: 7:00- PM. Dr. Gerald Parker

CALL TO ORDER, at 7:00 PM

ROLL CALL: Dr. Gerald Parker, Kim McCummings, Dave Tower, Dick Isakson, James Hoard, Katie Duffy, Craig Cypret, Cheves Walling, Arthur Fiorelli, Jo Anne Carr

APPOINTMENT OF ALTERNATES:

Dr. Parker called the meeting to order and opened the meeting by reading the Planning Board Mission Statement.

This hearing is the final Public Hearing Regarding Zoning Amendments appearing on the ballot at Town Meeting

Residential Building Code for One and Two Family Dwellings published by the International Code Council

Fire Chief/Building Inspector Rick Donovan presented the details of the proposed Residential Building Code. The code is specific to the framing and the foundation of the building.

Amend the Impact Fee Ordinance

Dr Parker read the proposed amendments to the Impact Fee Ordinance.

- *Section A*-Purpose.
- *Section D*-Standards and Methodology for assessment.
- *Section E*-Waivers.
- *Section F*-Administration.
- *Section H*-Appeals.

Jo Anne Carr presented the details of the proposed changes to the Impact Fee Ordinance. The board has suggested waivers for the impact fee assessment for student housing or affordable housing based on income, it was recommended to her that the board define affordable housing more clearly. Roberta Oeser stated that as Franklin Pierce College may be removed from the Tax Rolls, it would be a mistake to wave impact fees for student housing. Jo Anne stated that the Planning Board may agree to defer all or part of the impact fee. She deferred the question to Dave Duvernay the Town Assessor. Mr. Duvernay stated that currently, as he understood it, Franklin Pierce College was seeking a state law that would grant them tax exempt status. But that would only happen if the State were to pay the Town of Rindge, which seems unlikely. Only \$65,000 of the \$450,000 or \$500,000 goes to the Town of Rindge. The rest goes to the County and Schools. Regardless, he didn't see the connection between the Impact Fee and the College. In addition, although the Planning Board may wave it, they don't have to wave it. Jo Anne explained what the Impact Fee was based on for clarification purposes.

Impact Fee is Based on;

- Public Safety
- Schools

- Recreation

If the college came in, the Board may choose to wave the School or Recreation portion of the impact fee, for example. Gary Niscola asked if the cost of the impact fee had been determined for a single family home. Jo Anne answered by saying that the fee schedule was in the process of being determined and there was no set amount yet. Katie Duffy said that there would be a public hearing before the board adopts the Impact Fee Schedule. She suggested he give Jo Anne his e-mail address so he could be added to mailing list to receive agendas, also notices would be posted announcing the Public Hearing. Mr. Niskala said he was concerned, because in Jaffrey, he was not informed about the amount of the impact fee until he went to get his occupancy permit and was hit with a high fee he did not expect. Jo Anne said that builders will be informed how much their impact fee will be at subdivision approval and fee will not be collected until the building permit is pulled. Dr. Parker said in regard to affordable housing, which is 50% of the median area income. Median area had not been defined. Roberta Oeser said Hillsboro has a much higher income than Rindge, waving impact fee for a developer doesn't make sense, because they are going to require just as much services as any other housing. Jo Anne said that the consultant that the Board was working with to develop the Impact Fee Schedule, and he suggested that a definition be made for affordable housing to determine criteria. Dave Tower stated as a procedural issue it would be best to leave it as it is without a definition for affordable housing. A definition for affordable housing can be determined for next year's Town Meeting. Roberta Oeser said that it would be easy for a builder to work around the 50% median income issue and claim low income but that may not actually be the case. Dave Tower said that leaving the low income housing statement as is, gives the Planning Board the flexibility to wave the fees. He suggested that the Board take what Roberta said under advisement and consider it when determining the fee schedule. Dr. Parker said that her point was well taken. His experience with these cases was with multiple dwellings where HUD money was involved. There, a certain percentage pay full and others pay a percentage less. Les Cypret asked why section H2 was removed from the impact fee. Jo Anne responded by saying that The section was written incorrectly. Any zoning ordinance may be appealed to the Board of Adjustment first, if you don't receive satisfaction there then you go to Superior Court. Dave Duvernay added that you cannot go to Superior Court unless you go to the Board of Adjustment first. Bruce Kirsch from Franklin Pierce College. He asked how this would impact the college. Jo Anne answered him by saying that the changes proposed for this Town Meeting, make a provision for a waiver for student housing for the services that the college does not use. Mr. Kirsch stated that he wanted to oppose this on behalf of the college based on the amount of money the college pays in taxes, and the college received very limited services from the Town. A full waiver would be received quite well. Dr. Parker noted his comment and pointed out again that the fees may be waived.

Amend the Commercial District to Limit Building Size to a Maximum of 75,000 sq feet in gross floor area.

No comments

Amend the Business/Light Industry District to Limit Commercial Buildings as identified in Article VII-A(1)(a-s) to a maximum of 75,000 square feet in gross floor area.

Robert Oeser wanted to know in response to both limitations, why this was being proposed and why we wanted to keep large retailers out of town. Dr. Parker said there is a faction in town that does not want the big box in town. The board is trying to put this before the voters, so that the people of the town can vote to decide this issue. Dr. Parker said that this came about because he made a motion for a 50,000 sq ft building footprint limitation with nodal development in mind. The board agreed to that. Thanks to a suggestion from Dick Isakson, the Board decided to take

this before the voters. There were members of the audience expressing opposition. Among the reasons given were that 75,000sq ft was an arbitrary number, the town would be excluding a valuable tax base, towns people wanted big box businesses in town, it would provide jobs to the towns people. Dr Parker stated that those who opposed the article should vote against it at Town Meeting. Dr. Parker also wanted to remind the audience that when Market Basket, Walmart and Hannaford came in to town taxes did not go down. Bruce Kirsch stated that even the college was exempt from the limitation. The college was against it because he feels that it will impede the development of the Rt 202 corridor. He said that college students were leaving Franklin Pierce College because they have nothing to do. He felt that the big boxes could exist in Rindge attractively and be beneficial to Rindge and the College. Candice Starrett stated that the last meeting was not unanimous and asked Rick Donovan how these buildings would impact the town, and where would he predict the traffic lights would go. Rick said, lights are needed at Perkins Rd and Hunt Hill Rd. But there are accidents at 119 and 202 where there are lights. He stated that Jaffrey just approved several subdivisions, one being 40 houses, one being 16 so we will be getting heavy traffic anyway. As far as impact, he said he could only go by what is going on now which is Walmart using about 12 fire alarm activation's a year, and 16 medical calls a year. Market Basket 12 times a year for medical calls and Hannaford about 12 calls a year. Judy Cypret said that we were hurting ourselves as a town by not wanting big box development. Christina Germano regarding what Bruce Kirsch said about Franklin Pierce not being able to retain students, students were not interested in Walmart or Home Depot. They wanted restaurants and places to dance and there are not many of them over 75, 000sq feet. She said this hearing was about letting the citizens of Rindge make their own minds up and vote, not just the people in this room decide, who may not really represent the entire town. Tom Duffy said without getting big box development things like "Olive Garden's" and clubs will never come in. The Economic Development Committee is talking about attracting new businesses to Rindge, but industrial business has failed in the area and is moving out. That type of development does not work in this area so that kind of economic development is a waste of time. Selectman Jim Ledger commented that the board should consider carefully whether to take this issue to the town for a vote. Craig Cypret made read a letter refuting the accuracy of the information in the handouts provided to the attendees of the hearings, and the objectivity of the Town Planner. Arthur Fiorelli responded by naming many examples of retail businesses and restaurants that are under 75,000 sq ft. He also addressed the question of tax relief in communities with significant retail development. Of the towns cited, Lebanon which has the highest amount of retail development has the highest equalized valuation and the highest tax rate. He stated he was in support of the right kind of business development but not for the reason that it will reduce taxes because that is not what the data shows. Even though that goes contrary to what is commonly thought. Roberta Oeser said that if we don't develop around 202 we will get all the traffic and none of the benefits. People will drive straight through Rindge to Jaffrey and Peterborough. Mary Anne Harper said she has been attending public hearings for a long time, and that the majority of people who tend to come to them are those who oppose the issues being discussed. She also said she didn't understand why so many people were so afraid of putting this before the people of the town for a vote because this is how the government does work. If everyone here is so convinced that no one wants this then let the voters agree with you. Terry Aho stated that we need the retail development to contribute to the tax dollars. Liz Weston said bringing in Home Depot would be a good idea. It would bring in tax revenue and jobs and be a big convenience to the town.

Voting

The board voted on bringing the following zoning changes to the public at Town Meeting.

1. David Tower moved that the Planning Board approve and recommend the amendment concerning the *International Residential Code for One and Two Family Dwellings* which has been proposed by the Planning Board and discussed tonight and which is on file at the Town Clerk's office and Posted on the Town of Rindge website. Cheves Walling 2nd

Vote as follows: Dr. Parker-Yes James Hoard-No Arthur Fiorelli-Yes Katie Duffy-Yes David Tower-Yes Cheves Walling-Yes Kim McCummings-Yes Motion carried 6 to 1 Katie Duffy asked that it be noted on the ballot that the vote was 6 in favor and 1 opposed to this amendment.

2. David Tower moved that the Planning Board approve and recommend the amendments concerning the Impact Fee Ordinance which has been proposed by the Planning Board and discussed tonight and which are on file at the Town Clerk's office and Posted on the Town of Rindge website. Kim McCummings 2nd Katie Duffy asked how these changes could be implemented without a definition of affordable housing. David Tower stated that he suggested that the board defer to the state's definition of affordable housing.

Vote as follows: Dr. Parker-Yes James Hoard-No Arthur Fiorelli-Yes Katie Duffy-No David Tower-Yes Cheves Walling-Yes Kim McCummings-Yes Motion carried 5 to 2 Katie Duffy asked that it be noted on the ballot that the vote was 5 in favor and 2 opposed to these amendments.

3. . David Tower moved that the Planning Board approve and recommend the amendments concerning amending the Commercial District to Limit Building Size to a Maximum of 75,000 sq feet in gross floor area which has been proposed by the Planning Board and discussed tonight and which is on file at the Town Clerk's office and Posted on the Town of Rindge website.

Arthur Fiorelli 2nd

Vote as follows: Dr. Parker-Yes James Hoard-No Arthur Fiorelli-Yes Katie Duffy-No David Tower-Yes Cheves Walling-Yes Kim McCummings-Yes Motion carried 5 to 2 Katie Duffy asked that it be noted on the ballot that the vote was 5 in favor and 2 opposed to these amendments.

4. David Tower moved that the Planning Board approve and recommend the amendments concerning amending the Business/Light Commercial District to Limit Building Size to a Maximum of 75,000 sq feet in gross floor area which has been proposed by the Planning Board and discussed tonight and which is on file at the Town Clerk's office and Posted on the Town of Rindge website. Cheves Walling 2nd

Vote as follows: Dr. Parker-Yes James Hoard-No Arthur Fiorelli-Yes Katie Duffy-No David Tower-Yes Cheves Walling-Yes Kim McCummings-Yes Motion carried 5 to 2 Katie Duffy asked that it be noted on the ballot that the vote was 5 in favor and 2 opposed to these amendments.

3. Katie Duffy made a motion to remove items 3 and 4 from the town warrant. James Hoard 2nd. Dave Tower responded by saying that the Town of Rindge is at a crossroads right now. The development of the town so far has been wonderful. The Planning Boards of the past 30 years have done a good job preparing zoning regulations and the town is growing nicely. The pace of that development has increased and we could have several more large scale retail stores which

could really change the character of the town. There are a lot of secondary effects that come with those stores. If we look ahead 20 years from now and ask ourselves what we want our town to look like, which is the gateway to Rindge and the gateway to New Hampshire then in his mind he wants to encourage the kind of development that will not soak up all of the land that is developable. He said respected the contrary views and asked others do the same. This is why it needs to go to the town for a vote.

Vote as follows: Dr. Parker-No James Hoard-Yes Arthur Fiorelli-No Katie Duffy-Yes David Tower-No Cheves Walling-No Kim McCummings-No The motion was not carried. 5 opposed 2 In favor.

Meeting Adjourned 8:45pm

NEXT MEETING

February 1, 2005

Respectfully submitted,

Robyn Payson