

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
JULY 20, 2004
MINUTES**

DATE: JULY 20, 2004 TYPE: Public Hearing DATE APPROVED: August 3, 2004

TIME: 7:00-10:35 PM. Katie Duffy, Chair

CALL TO ORDER, at 7:00 PM

ROLL CALL: Katie Duffy, David Tower, Dr. Gerry Parker Charles Carroll Richard Isakson, Kim McCummings, James Hoard, Arthur Fiorelli, Jo Anne Carr, Robyn Payson, Cheves Walling, Paul O'Connor

OLD BUSINESS:

Katie Duffy yields the chair to Dr. Gerry Parker

Dr. Parker assumes the chair.

Duffy Senior Housing Project

Tom and Katie Duffy are seeking a partial occupancy release. The first building is complete. The project is for two buildings. The only remaining work on the building in question is landscaping and two light fixtures need to be installed. The light fixtures will be installed prior to occupancy. David Tower asked if for some reason the other building was never completed would there be outstanding safety issues that would effect the completed building. Tom Duffy responded that there would not be. Richard Isakson said that it appeared that the way they were designed that these could be two stand-alone projects so there should not be a problem. Katie Duffy said that the site was graded with some loam that had yet to be spread. Katie was asking that Jo Anne Carr have the authority to sign the occupancy permit for that building. Charles Carroll would like to know if the stabilization was complete in the second area of the site. Jo Anne offered to visit the site on Thursday July 23 to confirm this. David Tower made a motion to grant Jo Anne that authority James Hoard 2nd The motion was carried unanimously.

Dr. Gerry Parker relinquishes the chair.

Katie Duffy reassumes the chair.

**Public Hearing Minor Subdivision Bancroft Road
Heikkinen/Gordon Map 8 Lot 35-4**

Jedadia Paquin representing John Heikkinen and William Gordon in a proposal for a new lot to be created on Bancroft Road. The subdivision meets frontage and acreage criteria. They also submitted a preliminary septic design which meets well and septic set backs. Jo Anne noted that only one abutter contacted the board and that person had no problem. They are also requesting a waiver for lot 35-3 for soils data, topography, and wetlands delineation. David Tower moved that the waver be granted James Hoard 2nd that motion. The motion was carried unanimously. David Tower moved that the Subdivision be accepted, Dr. Gerry Parker 2nd that motion. The

motion was unanimously carried. David Tower made the motion to Approve the Subdivision, James Hoard 2nd that motion. The motion was carried unanimously.

**The Rindge Planning Board Meeting has Adjourned at 7:45 p.m.
And will Reconvene at Rindge Memorial School**

For the Growth Management Ordinance Public Hearing

Meeting Reconvenes

Arthur Fiorelli reviewed and presented a summary of the “Findings of Fact” adopted by the planning board; using visual aids to further clarify the points. David Tower then expanded on what these facts meant to the town’s people concerning their quality of life, stating that Rindge has grown faster than our ability to provide adequate public services for the residents. He emphasized that it is not the intention of the Planning Board to harm anybody’s way of making a living or stop growth. The Growth Management Ordinance will only control the timing of that growth to give the town time to catch up with fulfilling the needs of the residents.

- ◆ Previously approved subdivisions are grandfathered, and not effected by this ordinance provided that there has been active and substantial development has begun on the site. (RSA 674:39)
- ◆ This has no effect on commercial development.
- ◆ This has no effect on building permits for porches, sheds pools or anything that does not create a new “dwelling”.
- ◆ Elderly housing will be exempt.

It is important to remember that this ordinance has a sunset provision of March 2008.

Citizens who responded and whose names were available;

Chris Asaf said that stopping building isn’t going to help the tax issue because if you stop building and people still want to buy houses then the value of the existing houses goes up. He felt that Franklin Pierce College should not be entered into the statistics at all.

A member of the audience said that there is a natural spiking when it comes to building. It just naturally goes up and down. **Arthur Fiorelli** responded to this by saying that building permits in Rindge were so far out of line with the surrounding towns that at this rate, by 2020 we would have 7000 residents in Rindge.

Tom Duffy If these facts are accurate, we need an Economic Development Plan in hand now. **Les and Craig Cypret** added to that by asking how much commercial development the town could handle. said that there was an Economic Development Committee planned but it was on a very long list that the selectmen had to do. He also said that they had been working with Monadnock Business Ventures in the meantime.

Elisa Benincaso asked if there was any information about how many students who have graduated from the high school have stayed in Rindge. The board did not have any statistics on that question.

Sarah Quinlin asked how growth affected the police and fire departments. In addition, asked if there was an Impact Fee Ordinance. **Arthur Fiorelli** answered the initial question by saying that the Community Facilities and Open Space Plan Committee was looking at that issue. **Katie Duffy** responded to the question about the Impact Fee Ordinance, by telling her that yes, there is an Impact Fee Ordinance. The Planning Board is in the process of developing the fee schedule. Money from that will go toward the Police, Fire and other Departments based on Bruce Mayberry's recommendations.

Tom Peragallo asked, if all existing lots are exempt, how many are left, **Arthur Fiorelli** answered by saying that there was a significant inventory of lots.

Roberta Oeser said that many of the numbers were skewed to support the findings presented. In her opinion there were only 14 building lots left in town, this was proof that Phasing was working.

Charlie Phillips did not feel that the source of these figures was readily available. Arthur Fiorelli told him that the Appendices with the data were readily available. Mr. Phillips then passed out a list of information that he wanted to see as he questioned the validity of the "Findings of Fact".

Pat Barry said that it seemed the group was losing site of the real issue, which was keeping Rindge a beautiful place to live.

Terry Aho Said that a reasonable and responsible way to control growth would be to reduce the number of building permits to about 48 per year 24 is too low.

Bill Thomas said that people are coming to NH because it is the cheapest place to build. We need this Ordinance before Rindge becomes overgrown like Westford Ma.

Peter Kholmorgan said he would support a Growth Management Ordinance until the school situation was under control.

Mike Hendricks wanted to know what the effect of growth is on the Town Budget.

Mary Anne Harper Emphasized that this was control not a moratorium and that it was unwise to allow the market to control the town. Planning boards should be planning for the future and not continually approving subdivisions.

Chris Asaf-Said that commercial development might help the situation but he knows that the Site Plan Regulations are being updated now and they seem to be stricter all the time. Businesses won't want to come to Rindge if building a business here is going to be a big hassle.

PUBLIC HEARING CAME TO A CLOSE

NEXT PUBLIC HEARING TO BE HELD AUGUST 3, at 7:00

DAVID TOWER RECUSES HIMSELF FOR VANDYKE HEARING

Application for Earth Removal/Excavation Woodbound Road

Robert Van Dyke, Map 11 Lot 1

Robert VanDyke presented plans and phasing schedule for excavation on Woodbound Road. The Board required a bond be taken out on reclamation, which would expire when the project was done. There was also debris on the site that needed to be cleaned up, which Mr. VanDyke agreed. It was to be noted on the plan that the work hours would be Monday through Friday 7:00 a.m. – 5:00 p.m. and Saturday from 7:00 a.m. 12:00 p.m.

Motion to Accept plan by Chevez Walling Dr. Gerry Parker 2nd Plan accepted unanimously

Motion to approve plan with conditions James Hoard Chevez Walling 2nd plan approved unanimously.

Conditions:

- ◆ Debris removed from site
- ◆ If groundwater is struck, cease and desist and come back to the board for site plan amendment.
- ◆ Bond be taken out on reclamation.

David Tower Rejoins Board

Amendments to the Growth Management Ordinance

The Board reviewed and made amendments to the Growth Management ordinance, which will be posted July 22, and available on the town web site and at the town offices for public review.

Amendments adopted by the Planning Board:

Paragraph F section 5 reads as follows:

To ensure equitable distribution of available permits, no single individual, partnership, corporation, or other legal entity or its related or affiliated entities, or in the case of real persons, their immediate relatives or persons associated in business, may receive more than five (5) permits during any given calendar year. However, after December 1, surplus permits may be issued to such individuals, partnerships, corporations or other legal entities if there is no other applicant remaining on the waiting list. Entities created or individuals used for the purpose of evading the limitations of this ordinance shall not be considered separate entities or individuals.

Paragraph F section 7 reads as follows:

Notwithstanding the aforesaid "first come first served" policy, 45 percent of the available permits for the first calendar year this ordinance is in effect shall be reserved for owners of single lots of record or lots that are not part of a sub-division containing more than three (3) lots, provided that the building is intended to be the lot owner's permanent residence. The percent in the previous sentence will be recalculated each year in February by determining, for the previous three (3) years, the percent, of total building permits, that were issued to owners of single lots of record or sub-divisions containing three (3) lots or less. The average of these percentages for the previous three (3) years rounded to the nearest whole number, will replace the number 45 percent in the first sentence of this paragraph for the current calendar year.

Paragraph G section 3 reads as follows:

Proposals for Student Housing (see definition: Article XVI (24) of the Rindge Zoning Ordinance) are exempt upon a finding by the Planning Board that the proposed Student Housing is located within the College District as defined by the Town of Rindge Zoning Map and further provided that the proposed Student Housing complies in all other regards with the Rindge Zoning Ordinance and other applicable regulations.

Paragraph K reads as follows:

This ordinance becomes effective upon adoption and shall remain in effect until 11:59 PM, March 31, 2008. However, the Planning Board shall annually review the need for the ordinance and send a status report on growth and the progress Rindge has made toward improving its capital facilities to the Board of Selectmen by January 1 of each year the ordinance is in effect. If the Planning Board finds that the capital facilities needs have been resolved, then it shall make a recommendation for rescission of this ordinance. However, if any school in the Jaffrey Rindge Cooperative School District attended by Rindge students is at an enrollment of 90% or greater, of the capacity of that school, as determined by the Jaffrey-Rindge Cooperative School District School Board, then the Planning Board may recommend the extension of the Ordinance beyond 11:59 PM March 31, 2008.

Paragraph M reads as follows:

Unless otherwise specified in this Ordinance, any decision under the Growth Management Ordinance may be appealed in the same manner provided by statute for appealed for the officer or Board making that decision, as set forth in RSA 676:5, RSA 677: 2-14 and RSA 677:15.

The following Paragraph (I) regarding Sub-Division Limitation was deleted.

No single sub-division shall receive final plat approval for more than five (5) lots or dwelling units in any 12- month period, except that the Planning Board may approve additional lots or dwelling units if the applicant has proposed measures that will mitigate the impact of the additional lots or dwelling units.

Richard Isakson Motioned to accept the changes made by the board Charles Carroll 2nd. The amendments were unanimously adopted.

James Hoard Motioned to adjourn Charles Carroll 2nd

Meeting Adjourned 10:30pm

NEXT MEETING

Public Hearing

August 3, 2004

Respectfully submitted,

Robyn Payson