

Nottingham Planning Board  
October 28, 2015

**Approved:** November 18, 2015

**Members Present:** Dirk Grotenhuis, Chairman; Eduard Viel, Vice-Chairman; Donna Danis, BOS Rep; Susan Mooney, Secretary; Gary Anderson, SRPC Rep; Teresa Bascom, Alternate; Robert “Buzz” Davies, Alternate

**Members Absent:** John Morin, CIP Rep; Charlene Andersen

**Others Present;** Paul Colby, Code Administrator; JoAnna Arendarczyk, Land Use Clerk, Jackie Snow, Resident/ School Board Member; Skip Seaverns, Resident; Susan Levenson, School Board Member; Traci Chauvey, Resident; Mike Russo, Resident/ ZBA Chairman

**Alternate seated and voting:**

- Mrs. Bascom for Mr. Morin
- Mr. Davies for Ms. Andersen

**Call to Order at:** 7:05pm

**Work session**

**Discuss Impact Fees**

Mr. Chairman and Mr. Colby gave a brief history of the Impact Fees:

Nottingham voted in March of 2011 to accept an Impact Fee Ordinance and the Planning Board agreed on the figure for the fees, July of 2012. The Town Zoning Ordinance requires the Planning Board to reassess the Fee Schedule and the assessment every five years. Therefore the Planning Board is looking into that process. Currently the fees are portioned out to the School and the Fire Department.

The Board received documentation of the fees collected as well as the amounts that have been spent. The money collected needs to be used within 6 years of collecting them. (*See attached*)

At the last Planning Board meeting, (October 14, 2015) the Board requested legal counsel be contacted with a few questions. The reply was presented to the Board. (*See attached*)

The original Planner, Mr. Mayberry, Principal, BCM Planning, LLC, has been contacted. The original studies Mr. Mayberry did in 2010-2011 cost approximately \$25,000.00. The Board was concerned the cost would be equal to that for the reevaluation. However the estimate received October 27, 2015, to review and assess the current rate of the School and Fire Department impact fees came to \$3,750-\$4,250 (*See attached*).

At the October 14, 2015 meeting the Board requested a breakdown of the staff costs regarding the collection of Impact Fees. The total is about four to six hours of staff time equaling an estimate of \$100 per collection:

Building Inspector Time:

- The applicant requests the building permit
- Receives information regarding the impact fees
- Collection of the fee at the end of the project
- Paperwork/ receipt- accounting purposes

Bookkeeper Time:

- Enter information into the system
- Contact town treasurer

Town Treasurer Time:

- Contact financial institution
- Escrow account-service fee unknown

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The School Board had been invited to attend this meeting. Chairperson, Susan Levinson and Jackie Snow both attended the meeting. Prior to this meeting the School Board reached out for legal advice regarding questions they had. The School Board voted to make the reply email available to the public (*See attached*).

They informed the Planning Board:

- The School Board plans to work on their own CIP but agreed to share their data with the Planning Board and CIP committee and to use John Morin as their liaison.
- At this time the School Board is considering some options that may require the use of the Impact Fees collected.
- The School Board shared the current enrollment breakdown.
- The School Board agreed to pay \$2,500 which is the school's portion of the Impact Fee assessment.
- They agreed to work on answering the six points needed to update the School fees (six points in letter from Bruce Mayberry)
- They agreed to attend the meeting when the Planner presents his Study.

Mr. Seaverns, Mr. Russo and Traci Chauvey spoke to the Board regarding other departments to consider in this reevaluation. There is a ten-year plan for Recreation which could be used to aid Mr. Mayberry in his study for Impact Fees for Recreation. The Police Department as well as the Public Works department have discussed some future plans for expansion and should be considered for Impact Fees also.

The Board agreed to have those other departments considered in the Planner's evaluation and requested cost estimates be provided for the next meeting.

### **Brief from those who attended the Municipal Law Lecture Series**

'Grandfathering': The Law of Non-Conforming Uses & Vested Rights- Mrs. Mooney briefed the Board on her takeaways from this lecture. The point she felt the Board should consider is reviewing our Regulations and Ordinances to be sure they are clear and cannot be misinterpreted. "It is better to be proactive rather than reactive."

Local Regulation of Agriculture- Mr. Viel and Mr. Russo briefed the Board on their takeaways from this lecture. The Board discussed the importance of defining Agriculture and Agritourism in the Zoning Ordinance- What is allowed and what is not allowed, however it should be worded to encourage rather than restrict Agricultural activities. The materials from both lectures are available in the Planning/Zoning office.

### **Response from Board of Selectman regarding letter from the Planning Board**

Mrs. Danis stated that the comments that were made at the meeting mentioned in the letter were comments and opinions of a particular Board of Selectmen member. Therefore, it was decided that it would be best to have that individual schedule to speak with the Planning Board.

### **Zoning Ordinance definition changes for March Election** (*See Attached*)

The Board requested that staff provide a definition for agriculture for the Board to consider adding to the list.

To solve the issue around the Soil Scientist vs. Certified Soil Scientist definition the Board agreed to keep the word Soil Scientist in the definitions but to strike the definition for that and put in its place "See Certified Soil Scientist".

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The Board agreed to review the list in the attached document, titled "I also have in my notes that we wanted." They plan to make a decision regarding that list at the next meeting.

**Next Meeting**

The Board agreed to meet on November 18, 2015 and to cancel the November 4, 2015 meeting. This meeting will be held in Conference Room two (2).

**Selectmen/ Staff & Board Update**

- Mrs. Danis informed the Board that the Board of Selectmen are working on the Budget.
- Mr. Anderson gave the Board an update on the SRPC.
- Mrs. Mooney gave an update on the Conservation Commission one topic was the Well Water Testing that the Conservation Commission sponsored. They are considering offering it again in the spring.

**Minutes**

**Motion made by:** Mr. Viel to approve the minutes of October 14, 2015.

**Seconded by:** Mrs. Bascom

**Vote:** 7-0-0 motion passed

**Adjournment**

**Motion made by:** Mrs. Mooney

**Seconded by:** Mr. Davies

**Vote:** 7-0-0 motion passed

**Adjourned at:** 9:10pm

Respectfully submitted,

JoAnna Arendarczyk

Land Use Clerk

**Attached:**

- Impact Fee breakdown
- Nottingham Impact Fee Questions to [legalinquiries@nhmunicipal.org](mailto:legalinquiries@nhmunicipal.org)
- BCM Planning LLC Date: October 27, 2015 Re: Impact Fee Update Cost Estimate
- Soule, Leslie, Kidder, Sayward & Loughman- P.L.L.C- Attorneys at law- Re: Nottingham School District/Impact Fees
- Definition Changes to be made in Zoning Ordinance