

Planning Board Meeting minutes

Thursday July 29, 2021

Emergency Meeting for a discussion on Temporary Moratorium on Building (RSA 674; 23)

Board Member Attendance:

Mackenzie Brisson (Chair)
Roland Simino (Vice Chair)- ABSENT
Steve Digiovanni (Member)
Roxanne Tufts-Keegan (Member)
Jim Knapp (Ex-Officio)
Janet Kalar (Alternate Member)
Roger Mains (Alternate Member)

Public Attendance:

John Mullen	Linda Adamo	Don Derrow
Calvin Dexter, Sr.	Tracy Donovan-Laviolette	Patti Sindorf
David Dufresne	Bonnie Gagnon	Jonathan Sindorf
Valerie Burke	Robin Bouchard	Jennifer C. Wainwright
Joseph Burke	Anne Donahue	Marc Wainwright
Tammy Bailey	Kevin E. Bowdridge	John & Ruthann Mammone
Joe Bailey	Jill A. Brown	Tiffany & John Linehan
Jason Proulx	Paula Proulx	Andrea Bowden
Karen Smith	Jacob Bourdeau	Diana Bourdeau
Michael Boisvert	Ken Garry	Lorri Gunnison

Mackenzie Brisson calls the meeting to order at 6:30 PM Thursday July 29, 2021.

Pledge of Allegiance

When reading a board response please note that is Mackenzie Brisson speaking on behalf of the Board.

Mackenzie started with the explanation that one board member was not present and that Janet Kalar, first alternate would be filling in for him if a quorum was necessary. An Emergency Meeting can be called outside of a regular meeting with the authority of 24 hour advanced notice to the Board and Public. She felt that this issue was too important to wait for the Planning Board's next official meeting which is scheduled for August 12, 2021. Tonights meeting is an informational meeting, not a hearing and no decisions will be made tonight. This is a question and answer session.

New Business:

-Informational meeting regarding RS 674; 22 & 23- Temporary Moratorium on Building.

The summarization of the RSA is:

Upon recommendation of the Planning Board, the local legislative body may adopt or amend an ordinance establishing a moratorium or limitation on the issuance of building permits or the granting of subdivision or site plan approval for a definite term.

An ordinance may be adopted under this section in unusual circumstances that affect the ability of the municipality to provide adequate services and require prompt attention and to develop or alter a

growth management process under RSA 674:22, a zoning ordinance, a master plan, or capital improvements program.

A statement of the circumstances giving rise to the need for the moratorium or limitation.

-The planning board's written findings, on which subparagraph III(a) is based, which shall be included as an appendix to the ordinance.

- The term of the ordinance which shall not be more than one year. (365 days)

- A list of the types or categories of development to which the ordinance applies.

- A description of the area of the municipality, if less than the entire municipality, to which the ordinance applies.

An ordinance under this section may provide for a special exception or conditional use permit to allow development that has minimal or no impact on the circumstances giving rise to the moratorium or limitation.

The members of the Planning Board further explained that the main reason is that the Town does not have impact fees in place. It was asked at a Board of Selectmen meeting how many Building Permits were issued at this time. The number was 25. The Board needs to assess the CIP (Capital Improvement Plan) and Impact fees. This is mainly for large projects (ex: subdivisions etc.) New Hampshire State Law gives the Planning Board the authority to do a temporary moratorium. It was noted not everything is going to be denied. Examples are garages, sheds, additions, these are not things that impact the town. It is the bigger projects.

The process is this first meeting (informational), then a public hearing, then to town meeting, there can be a special town meeting for this to come to the town.

Mackenzie discussed the Town of Brookline NH on March 28, 2021, the town went through this process and implemented a Temporary Moratorium. Their circumstances are very similar to ours. This Moratorium is based on some of the same reasons the Town of Middleton is looking to do this. Such as putting their school into crisis.

Mackenzie opens the floor to public comment.

A member of the public is asking if we have any impact fee calculations. At this time the Board does not have anything in place, we have not gone that far yet. We can and will look at other towns for guidance.

Linda Adamo explains that the reason for impact fees is so the town does not/shouldn't have to pay for the impact. Such as new roads, paving roads, traffic light etc. A new home is not going to have a tremendous impact. A new development could call for a new road=impact fee, school bus= impact fee, on demand EMT's=impact fee. The impact fees are not across the board they are to the individual development.

Board: The Board has yet to write an ordinance. Infrastructure is the main concern.

The Board does not have impact fees currently. There are NO official applications to the Planning Board currently. Many towns are preemptively dealing with issues that can arise from a big project.

There are concerns of the school outgrowing itself and a big project can do this. The Planning Board's desire is to protect the residents of the town. We do not want our infrastructure to not be there for a big project.

The Board was again asked if there is a project in place. There are no applications that have been presented to the Planning Board. This is to preempt any issues from big projects.

Jill Brown commented that this is excellent that a small town is already recognizing and to talk about what sparked this. There are sparks in this town and we are talking about a school that is almost full, things in our infrastructure that if we grow significantly our infrastructure cannot handle this. The point of this is we need to do the research and not go into anything blindly. We are going to investigate what our town can handle, where we are at with things is great, because it is totally clear to us as residents rather than having rumors and opinions out there. You have A Planning Board that is volunteer to dive in and look at this. This is a responsible thing that every municipality should do. I think this is excellent.

A resident asks why not just put this on the ballot in March and have us vote on it?

Board: If there is an application that is made of a big project and we do not have these things in place, we do not have a leg to stand on. This is presumptively protecting the town from any big developers that would come in and take advantage of the fact that this town does not have the CIP, Master Plan, or any impact fees. We are not like Rochester, Dover, or these other places that all have these in place. We are a very small town, and a lot of developers could potentially take advantage of that. They are taking advantage of other town. So, seeing this in other towns and seeing the moves other towns are taking the Planning Board has decided to not wait and not sit on this and to move forward with what the town would like to decide. We are presenting the facts to you.

Joe Bailey states at another meeting we talked about the Master Plan having to be done. When he worked on it last time it was brought up to snuff up to the school being built, as it was not finished at that time and did not have any input from the school. That was the only thing we did not hit.

Board: One of the things is to look at the Master Plan, CIP to update it as best as possible. It is not going to be an easy project. There is a potential as us as a volunteer board we may not be able to get it all done. We may have to seek to outsource it. As we are looking at the scope of what we must do, it is huge. It is a full-time job. We have resources but there are costs to get their help. The Planning Board does have a budget, but we may need to be looking at some funds just to be able to get this done. It is nothing astronomical, it is just practical. How much are we going to spend to presumptively prevent a disaster in the future. Planning Board cannot do everything start to finish in a volunteer standpoint.

Roger Mains comments that the Master Plan was done in 2008. They had a Plymouth State gentleman who assisted with the plan. He was knowledgeable. At that time the Planning Bd had asked the town for somewhere around \$10,000 and used just about every penny he believes to get the Plan done. We need to get them all done.

Mackenzie states to please be aware that no one has a dollar amount, nor are we asking for funds currently. The Planning Board is looking at the Master Plan to be the buying time essentially for any large projects.

The Board is asked: Is there any way the town can put in an application to get this started or done sooner than later?

Board: The process to get this done is

1. The informational meeting (tonight's meeting)

2. Public hearing is next. We will put the moratorium together and write up a petition. We will present the petition at the public hearing and if all the people sign the petition, we take that and the application to court. The court gives approval for a special town meeting to be held to vote on the Moratorium.

The board is asked if this can be extended past a year.

The time of the ordinance shall not be more than one year. Mackenzie has not seen anything that says we can or cannot file again under a different circumstance. This would need to be discussed with legal. She has noticed when towns vote this in, they immediately form committees, and if it is done properly and people do what their tasks are, she feels 365 days is reasonable.

Paula Proulx asked if while this is in process, does this put a hold on the big development?

Board: Again, we do not have any applications before the board right now. What can be said is while we are in the process there is not a way for something to sneak in as far as anything that has been read. We do not have the infrastructure. The public hearing would be the time it is in process. Tonight's meeting is informational, not decision making. After the public hearing the board can take a vote whether they want to go forward with this. At that point, is when the process starts.

John Mullen spoke, we do not have impact fees in the zoning regulations, but we do have provisions in the developmental regulations. There are regulations on how to prepare a site plan. In those regulations it says if any board requires a study of impact fees to determine the impact on roads, fire, services etc. you can impose those on the developer and the developer must pay for it. If in your scenario, a developer comes along and submits an application before we get the moratorium in place, you can still impose on that developer that they do the impact fee study and again the developer has to pay for it.

Ken Garry speaks. When asked what sparked this, for him it was the public hearing scheduled by the Zoning Board of Adjustment proposing a low-income housing project. He has followed this through social media and the meeting held by the developer. One to two meetings ago, myself, the school board, superintendent, some budget committee members and some of the public were brought down to the kindergarten room. Right now, we have 24/25 students in kindergarten, 1st grade and 2nd grade. We have had a major spike. We go over 25 we have a problem with the Department of education. Recommended class size is 20-22. We are allowed up to 25.0 He explains this is his perspective on what he sees happening. The sudden growth we have seen in population, it is already too late. That is how close we are right now. The other piece is looking forward, say we come up with the whole master plan, impact fees, when we passed the bond for when we put up the current school, we paid for that, Middleton paid for that. We didn't get any state aid. We are paying about \$500,000 right now a year under the taxation that we have now. The likelihood of any bond passing for an addition, renovation or whatever you want to do with the school requires a 2/3 vote. I am going to tell you that is very unlikely. I know it seems like a doomsday scenario, but quite frankly we have had a very sudden spike in growth. We are already behind the 8 ball. How any developer would want to come in and over burden an existing school and after me saying what I said, it blows my mind. This needs to get out to developers, to make sure they understand where we are right now. It is completely unsustainable.

Board: In response to that comment in the Brookline scenario, the SAU wrote the planning board a letter stating on behalf of the Brookline School Board, with regards to the potential workforce housing development proposed the School Board had a special meeting to deliberate on the impact of this proposed housing and then outlined the impact the proposed project would have on the school district.

With that scenario that happened literally this spring, is what spring boarded the Brookline Moratorium.

John Mammone speaks. Asks what the population has been for the last 5 years for this town. Board did not have an answer at this time.

John continues. So, we are getting rid of all the old people and bringing in young people with children. At this point you don't even have a scenario as to what you are going to put in that impact fees/moratorium or what you are talking about getting something started on being able to stop developing and now not having to go to vote.

Board member Roxanne explains to John that is not what was said. What is being said is the moratorium in being put into place as we are looking at large construction. There are exceptions such as if you have a lot of land and want to build a house. I am sure that would be an exception. We are talking multi family units. We are not talking about building a single-family home. We need to move forward like every other town in the area is doing before we get bit in the a**. People cannot afford the taxes as it is and we need to look at can we sustain growth that we are seeing in the school, in the town. What happens is we become prisoners to the school. We cannot do any other growth in this town if we are always taking care of the school. If we have more children, and I am not saying we are anti children, we need to get a hold on how we need to get done certain projects in this town. If we are always putting money into the school, we can't build a public safety building or anything else.

John Mammone: Why are we not looking at businesses to offset the tax base?

Board: Right now, this is the next best thing the Planning Board has the power and authority to do. We don't have the power and the ability to bring in businesses into the town we cannot force people to come here to alleviate the tax burden.

John Mammone: every time we have a town meeting, we vote for what we want. We are all the ones that set the tax rate by what we want. So, if the town says wait a minute, we're going to slow this thing down to bring our tax rate down you might attract businesses here.

Roxanne: Then the people need to show up and vote at the town meeting to have that done. People who go to the School Deliberative session are not the same people who go to town meeting.

John Mammone: I can understand the moratorium portion. If you are going to be doing something that is going to overbear, like having to buy a fire truck for a 4-5-6 story building we don't have that., we don't need it. If somebody does something like that, that is where your impact fees come in. Those are the things you should be looking at. I don't want to see impact fees on a single home.

Roxanne: You don't want to see an impact fee? Say someone is building on Pheasant Lane and has heavy equipment going up there and can ruin that town road.

John: We put that right in the building permit...any damage done on this road you are responsible for.

Roxanne: We are doing our due diligence tonight to say wake up this is what we need to do and if that is what comes out of it and we don't have a moratorium, now we can say alright we weren't doing this before but now we are going to do this.

John: That comes before the Planning Board. You put that right in the writing as to what they can and cannot do. We held a large sum of money back on the Adams Way Project. We made them do the road

to certain specs, made them cover every lot if they did any damage to the road, they had to pay for it. All these things should be put down with any type of project.

Board was asked: Us as a town, do we have a say or a right in a vote to not have that big construction come in?

Board: Again, we are not talking about that application. That application has not even come before us. We do not have that application in mind, we have every potential application in mind when we are talking about this. Planning Board takes care of the applications we have a public hearing as part of the process. That is where public input comes in and planning board input and at that point a decision is made. Decisions can continue to court to be appealed or what not, but in turn of the town being able to in a democratic process to decide on whether every application that comes through the planning board passes or fails -no- that is not a quick thing.

Ken Garry: For clarity we have 24/25 students per classroom-kindergarten, 1st and 2nd grade. If a single-family home comes in you just broke the camels back. I understand the big project, but there needs to be a little of a pause we did it before. We had a temporary moratorium before, about 10-15 years ago I believe. There needs to be a pause. There need to be education made out there to make sure developers understand what they are embarking on because quite honestly, I would hate to see a developer start spending money for a subdivision or what have you because the general census I get is it is going to be torches and pitchforks out there. The guy is going to spend \$10-\$15k and say I don't want to have anything to do with this. There must be a little bit of realistic approach here. I am just going to say again we are 24/25 students' kindergarten, 1st and 2nd grade. We are ready to break the camel's back right now.

Roxanne: In other towns who have done this in the past they have put a limit on and this is what we will be discussing the number of building permits we will allow the town per year to control the growth.

Board: that is a growth Management ordinance. That is an actual thing, and it is something town municipalities use to make sure their infrastructure can handle growth.

Joe Bailey: A large number of acreages with waterfront access right on Pinkham Road just showed up for sale. That right there, is a potential for a large project as well if they subdivide you can be looking at 20 homes.

Board: Subdivisions would be included in the moratorium.

Valeri Burke: what is the turn around for a public meeting to put a petition together to start the process for the moratorium?

Janet Kalar: Public hearing needs to be posted for 7 business days. We will have everything together and have the meeting and then vote on it at that meeting. Then we put the petition out for people to sign do note you have to be a registered voter in town to sign the petition. After we present it to the superior court and await their decision. The petition will be at the public hearing. There needs to be 25 signatures on the petition to begin with.

Lee Burke asks if the selectmen can call for a special town meeting and if so, what is the boards feeling on this?

Board: Yes, they can, and we cannot speak for the board's feelings on this. That would be a board decision.

Board: Our next board meeting is Thursday August 12, 2021, I would want to see the planning board and we can decide tonight if the board so chooses to schedule a public hearing, then.

Ken Garry: I would not want to see the planning board get into the realm of drawing business in. You are a policy maker you establish the framework based on factual information. There are communities, even Farmington, have a development commission, that to me would be the proper organization if community members would want to do that. Would the Planning Board be averse to something like that, that can research and maybe reach out to current businesses that are in the community. I don't was to see the planning board get sidetracked when there is a very important piece in front of you. That is clearly the scope and realm of the Planning Board.

John Mullen: If the moratorium is successful, we petition the court I don't know the time frame of the court, so say at least September/October we have the special meeting it's my understanding I may be wrong, if you make changes to an ordinance, zoning ordinance, that must go before the town meeting. Say you get the go ahead, you sure don't have a lot of time to get it into March meeting. The only recourse you might have possibly if you don't have ordinances in place or sufficient date in place (CIP, Infrastructure cost all that kind of stuff) before town meeting those scenarios don't get adopted. Would have to make another warrant article on the next year. Don't know if that crunches the time frame or there is other recourse. 365 days would be great, but I would be cautious of getting anything approved unless if something else could be done. A moratorium could take effect immediately if you would have to call a special meeting. If you want to change ordinances or if those would just wait until next July, I think they would have to be put before the town.

Ken Garry: Agree with John and his assessment. You can't do special meeting within 60 days prior to town meeting. If you don't get it done by the March meeting you would have to go through the same process for a special meeting and the moratorium, chances are you would be over and would have to start the process again. What is the Planning Board budget? Would the Planning Board consider hiring a consultant to assist? There is a lot to cover. Machine shops, gasoline, petroleum protection. There is a ton of thing to cover. 365 days for planning a town is like a second in time. I am going to recommend you get some assistance. I don't know the budget or if the selectmen can make that happen, You could go over budget and this is nothing against you. There is some knowledge here, but I have to think you need help. There is a lot to cover in a short amount of time. I don't know if the selectmen can make these funds available or if we must have a special meeting to accomplish that task.

John Mullen: You don't necessarily have to go with ordinances. Like I said they are already within the site regulations. Development regulations can be changed anytime by the planning board. Do not need approval by the board or legislation. Say by March you don't get everything done you can be more specific on your development regulations, impact fees, could be impose don any project it may be able to work that way. I agree the board should seek professional help. It would be resources well spent.

One is wondering who decided impact fees should be just a one-time fee and not continuous, such as salting, sanding etc.

Steve Digiovanni: that is what taxes pay for,

Roxanne entertains a motion to hold a public hearing on August 12, 2021, at 6:30 pm

Janet seconds the motion

Mackenzie: All in favor of holding a public hearing on a temporary moratorium per RSAA 624; 22 and 23 on August 12, 2021, at 6:30 pm at the Old Town Hall say I

All in favor/none opposed.

Roxanne makes a motion to adjourn the meeting at 7:55 pm Steve seconds, all in Favor.

Meeting adjourned at 7:55 pm.

Respectfully submitted by:

Janelle Guarino

Planning Board Secretary