

Litchfield Planning Board

March 2, 2010

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**Litchfield Planning Board
March 2, 2010**

Minutes approved 5/4/10

Members present:

- Alison Douglas, Chairman
- Edward Almeida, Vice Chairman
- Leon Barry
- Jayson Brennen (arrived 7:19 p.m.)
- Steven Perry, Selectmen’s Representative
- Marc Ducharme
- John Miller, Alternate

Members no present:

- Carlos Fuertes

Also present:

- Joan McKibben, Administrative Assistant

Not Present:

- Steve Wagner, Nashua Regional Planning Commission, Circuit Rider

AGENDA

- 1. Home Occupation - Rhonda J. Cavers 4 Oak Drive Map 20 Lot 105
Therapeutic Message**
- 2. Impact Fee Review - Bruce Mayberry**
- 3. Planning Board Applications increase the cut off time from 15 days to 21 days**
- 4. Rolling Acres IV - May 6, 2008 Plan not recorded.**

Correspondence: Dredge & Fill Application Stream Crossing Improvement
Albuquerque Avenue over Chase Brook, Cranberry Lane and Page Road

Chairman Douglas called the meeting to order at 7:10 p.m. John Miller was appointed as a voting member.

1. HOME OCCUPATION

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1 Rhonda Cavers came forward. Abutters were notified and fees paid. Ms. Cavers told the
2 Board that she is a licensed therapist and presently works for a chiropractic office in
3
4 Nashua. She has a small amount of overflow clients that do not fit into the practice hours
5 in Nashua so she would like to see them in her home office. The Building Inspector did
6 inspect the home and had recommended the installation of an additional smoke detector.
7 This has been done. The total amount of space for the business is 215 square feet. There
8 will be no signage.
9

10 Mr. Barry **MOTIONED** to accept the application of the Home Occupation for Rhonda
11 Cavers on 4 Oak Drive, Litchfield, N.H. Mr. Almeida seconded. Motion carried 6-0-0.
12

13 **Application Approval:** The hours of operation would be 9:00 a.m. to 6:00 p.m. Monday,
14 Wednesday, Friday and Saturday. No clients on Sunday. There would not be more than 4
15 to 5 clients. She would see no more than one client at a time; spaced 1½ hour apart so
16 there would be no overlap for parking. There was no abutter present.
17

18 Member Jayson Brennen entered the meeting at 7:19 p.m.
19

20 Chairman Douglas opened the meeting to public comment. There was no public
21 comment.
22

23 Mr. Almeida **MOTIONED** to approve the Home Occupation application for Rhonda J.
24 Cavers, 4 Oak Drive, Map 20 Lot 105 for a therapeutic message business. Hours would
25 be Monday through Friday 9:00 a.m. to 6:00 p.m. and Saturday 9:00 a.m. to 2:00 p.m.
26 Mr. Miller seconded. Motion carried 5-0-1.
27

28 **2. IMPACT FEE REVIEW - Bruce Mayberry**
29

30 Mr. Bruce Mayberry, Manager BCM Planning, LLC, came before the Board to talk about
31 his research on the impact fee schedule that was adopted by the Town of Litchfield. Two
32 handouts provided: *Review of Litchfield Impact Fee System* and *Public Safety Impact*
33 *Fees Basis of Assessment*.
34

35 **Public Safety Impact Fees Basis of Assessment**
36

37 Mr. Mayberry's contract was to look at the public impact fees and come up with an
38 alternative approach because there was a concern with the fees being out of balance. He
39 tried to review the methods put in place in 2000 and also do a general overview to see if
40 other issues could be identified. He could not go back to the original study done in 1991.
41 Litchfield was one of the first towns to adopt an impact fee assessment.
42

43 Basically, an impact fee is assessed only on new development as it is constructed for its
44 proportionate impact on capital facilities such as police, fire, etc. but not for operating
45 costs. Mr. Mayberry: It is generally based on a service standard in other words we would

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1 try to come up with a reasonable apportion that it has to be proportionate to the relative
2 demands that development places on the Town's infrastructure.

3
4 Looking at the impact of new development as being equivalent to the impact of existing
5 development. We do not want to throw a high standard expectation on new development
6 when we ourselves only accept a certain lower proportion. One-thing impact fees are
7 intended to reflect your capital planning process, not to define it.

8
9 Another general principle of impact fees is that facilities are provided on a fairly timely
10 basis because there is a Statute that says that the non-impact fee share of funds that are
11 required for the facility have to be appropriated within 6 years of the collection of the
12 impact fee. This was discussed.

13
14 The Town can accumulate the fees over time, earn interest on them, pay for preliminary
15 cost of an improvement or use them after the fact if you already have debt service on an
16 existing school or other facility that is funded capacity that is available to serve future
17 development then that debt service can be offset by impact fees. So, it works both in
18 anticipation of the capital improvement and can work after the fact to recoup the costs
19 that the Town already incurred in trying to plan for the future.

20
21 Talk ensued. Mr. Mayberry further stated that there is nothing wrong with the way the
22 structure was done in 2000 by NRPC. The police impact fee is based on an average of 1.5
23 of uniformed officers per 1,000 population and the Master Plan talks about 425 sq. feet
24 per uniform officers as a reasonable standard for space and that is consistent with what he
25 has seen. He updated the construction cost estimates based on other facilities at \$300 a
26 sq. ft. depending on what type of facility is built.

27
28 The impact fee assumption should not drive the planning process from whatever the
29 police or fire departments decide to do. There were many aspects looked at such as the
30 CIP, Master Plan, employment versus population, square footage of residential and non-
31 residential, etc. The MRI report for the police recommended an expansion of the facility.

32
33 On the fire department side, long-term projection would be to add two new stations and
34 the old station would be retired and in the same process would be to add capital
35 equipment such as ambulances, etc. Mr. Mayberry pointed out that fire departments is
36 one area you can count the equipment value as part of the facility costs because the
37 equipmet has a higher capital value than the buildings that house them.

38
39 One recommendation is if things change in the assumptions for an impact fee like police
40 or fire which we have assumptions that are generic...as conditions change and
41 assumptions change, you go back and modify the model rather than use a cost multiplier
42 Right now you have an index value that increases and there are cases such as schools
43 where the enrollment per unit is going down.

44

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1 As to replacing equipment, Mr. Mayberry said that over a period of time some fire
2 equipment last 20 to 25 years or more and then it will have to be replaced over a period
3 of time. So, you are looking at a piece bought two years ago, or five years ago, that is
4
5 providing capacity to service new development even though you bought it some time ago
6 and that will continue to service new development because that is your method of
7 services; it is what exists. We are not trying to fund one replacement after another; we are
8 just taking a snapshot and saying here is the capital value today plus some additions if we
9 added capital equipment for the future and we do not divide it by the existing number of
10 residents, we divide it by Year 2030 of the build-out population, here is the capital basis.
11 So, it is not trying to fund 2 or 3 replacements; it is what your proportionate share of that
12 equipment value.

13
14 Mr. Mayberry went on to explain the reason towns instituted impact fees.

15
16 Chairman Douglas opened the meeting to public input. Mr. Frank Byron, 8 Mallard
17 Court, asked if fire equipment has a useful life, why wouldn't buildings fall in the same
18 fashion? Mr. Mayberry replied everything has some useful life on paper. What we are
19 trying to do is to come up with a capital value that is proportionate to a certain service
20 population. Looking at the apparatus almost the same way we look at construction of a
21 building – there is a certain capital value we attribute per capita, or square feet; so again it
22 is a snapshot in time. The useful life comes into play for depreciation but fire equipment
23 is subject to replacement on a periodic basis. Talk ensued. There is no standard for fire
24 stations...it is what the town needs.

25
26 Chairman Douglas closed public session on the public safety report.

27
28 **Review of Litchfield Impact Fee System**

29
30 Mr. Mayberry referred to Page 2 of the handout *Comparison of Impact Fee Assumptions*
31 *for Litchfield Facilities other than roads and schools* illustrates what standards were
32 adopted and what it applies in terms of deficiencies and needs. There were some
33 deficiencies in 2000 and there are larger deficiencies today. An example is to take fire
34 stations (see chart) originally needed .74 sq. ft. per capita. In the 2000 census you would
35 have needed 5,446, you have 5,080, a deficiency of 366...in 2008 now need 6,266 so
36 now the deficiency is 1,186. If you do not meet that standard today based on your current
37 population, there is a deficiency that needs to be made up with funds other than impact
38 fees because that is already needed and not caused by development in the future. The
39 Library is another example - that one is .60 sq feet per capita. Sometimes there is a
40 disconnect - there is a standard that looks good but then what are we really going to
41 spend because if it is not realistic in terms of expenditure of what we want to do, so
42 should it be changed?

43
44 In line with deficiencies, look at town offices (chart). We are saying in 2030 the need is
45 7000 sq. ft. - are we actively planning? If not, we need to be cautious in how we

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1 administer it. Periodically check to determine if this is what you really want and what the
2 demand is. A member pointed out that deficiencies are due to lack of money.

3
4
5 Mr. Mayberry: Yes...but you really need to fund your deficiencies with something other
6 than impact fees. Impact fees are never going to pay for everything that you need.

7
8 Mr. Mayberry said that he noticed recreation standards are different than what is
9 indicated in the Master Plan. If the bike path was funded by other means, it may have to
10 come out. The elementary school supposedly is close to being built; the high school was
11 built but all the schools are at 100% capacity and the enrollment has changed...that is
12 part of the impact fee formula and probably should be adjusted at some point. The
13 elementary and high schools were covered in the fee assessment but not the middle
14 school. If the fees are to be revamped, then the Town should look at all grades because
15 when you add capacity to one school or the other, you end up impacting the middle
16 school. The school fee is unlike the other fees because it frontloads the anticipated
17 interest on bonds into the fee itself...if you are collecting the fees and updating the cost
18 basis, you are increasing the fee each year as time goes by and it is uncommon to load up
19 on the interest and principal costs...but there are credit allowances to offset this. There is
20 nothing wrong with it; it is just a different approach.

21
22 The main thing are the standards appropriate for what the Town wants to do and is there
23 another way to get to those standards based on a long term plan for the facilities...rather
24 than assuming the incremental per capita.

25
26 It was asked how Litchfield's impact fees compare to other communities. Mr. Mayberry
27 replied that the municipal, police, fire and library are on the low side and the school at
28 \$3.60 sq. ft. is not unusual for a single town district. The recreation fee is a little high but
29 not out of the realm. It was asked how to go about fixing or adjusting the fees. Mr.
30 Mayberry suggested looking at the public safety fees for feedback and reconfigure to see
31 if the Town wants to change the fee structure. Also, look at the facilities and determine
32 how realistic they are when you look at 2030 and see if the Town is comfortable with it
33 by looking at the history of the CIP and come up with a set of assumptions. Also, look at
34 public safety in terms of growth and the size of facilities and whether they make sense.

35
36 Chief Schofield had provided him with updated numbers and they seem reasonable. The
37 issue is are these facilities going to be built over time and what is a reasonable amount of
38 time. Mr. Perry: According to Town Counsel, we have been increasing the capacity in the
39 facilities in Town - may not be a new building, but we have used our impact fees taking
40 care of deficiencies.

41
42 Leon Barry: Can a facility, if we are looking out now until 2030, what happens if we
43 started the new buildings 7 years from now rather than today? Can we project out if we
44 don't think anything will happen with a new town hall for 10 years or start it in 10 years?
45

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1 Steve Perry: No, its not about the fact we don't need it for 7 years so we don't charge for
2 it, if you know you need it and it is a known deficiency, you can start now.

3
4
5 Leon Barry: Can you start at a lower rate now?

6
7 Steve Perry: Why would you?

8
9 Leon Barry: Because of everything else we have to take into effect. My concern is, we
10 are looking at this workforce housing. If we want to get it in the area you can't make
11 these fees too high. If we want to start collecting fees now but we are in hesitation, when
12 are we going to do it or how is this going to work, then just bump it out a couple of years
13 before you start collecting it.

14
15 Leon Barry: Do we have to justify what we do? Let me give you an example. Where I
16 was questioning about 3-5%. If we decide we would like to make that .25 do we have to
17 justify that as a Board?

18
19 Bruce Mayberry: If you saw the fee schedule said 3.5 but as a policy the Board decides
20 to implement say whatever the discount is, 75%, whatever 25 is to 35, say 2/3s but the
21 adopted fee schedule shall be 67% of the maximum according to the report that becomes
22 the fee across the board as long as that is the same fee for everybody across the board.

23
24 Mrs. Douglas referred to Mr. Mayberry's summary. The issue is does the Town reinvent
25 the way impact fees are assessed and look at the methodology with the help of Mr.
26 Mayberry, and work on setting up models.

27
28 **3. INCREASING CUT OFF TIME FOR APPLICATION SUBMITTAL**

29
30 Chairman Douglas read an email from Steve Wagner recommending increasing the cut
31
32 off time for applications. He is looking for more time to review applications prior to
33 meeting with the Board. Also, the 15 days is not enough time to advertise to meet the
34 deadline. There is a high risk of receiving an application with missing information
35 especially if it is not reviewed in advance. Mrs. McKibben further explained the reason
36 for the increase. Mr. Ducharme did not feel that the additional days would be of any
37 benefit...he feels that six days would cost the applicant additional money. It was pointed
38 out that other towns require more than 21 days to submit an application.

39
40 Mrs. McKibben: We are saying the application would have to be in on the 15th. I have to
41 put the ad in the papers before Steve reviews the application; so, it may not be a complete
42 application.

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1 Mr. Ducharme indicated that Lou Caron’s letters and Steve Wagner’s letters are dated the
2 same day as the meeting; so, they may not be looking at the application until the day
3 before. Mr. Miller left the meeting.
4

5 Mr. Perry **MOTIONED** to propose an increase in cut off time for all applications to the
6 Planning Board from 15 days to 21 days. Mr. Ducharme **AMENDED MOTION** to
7 increase the time temporary until July 1st and during that time we will do a review of the
8 resources that the Planning Board has at all levels, the current and what is needed for the
9 current workload and for past workload. Mr. Brennen seconded. Mr. Ducharme wants to
10 research further because he feels the Board does not have an understanding of what is
11 going to happen with the time. The temporary time period is to show if it is going to
12 work. Are we going to get this letter in advance for projects? Maybe we are off on our
13 resources that we have and maybe adjusting those would benefit the Board. Vote on
14 amendment. Motion failed 2-4-0. Vote on main motion. Motion carried 4-2-0.
15

16 **4. ROLLING ACRES IV**
17

18 Mrs. McKibben informed the Board that the plan has been around since 2008 with
19 conditions. The conditions have not been met so the plan has not been recorded and there
20 are fees that are owed. Mrs. McKibben was asked to contact Town Counsel.
21

22 **5. DREDGE & FILL - Drainage Project**
23

24 A Dredge & Fill application was filed for a stream crossing, wetlands crossing, to be
25 done by the Town. The Wetlands Bureau accepted the application and it is in process.
26 The Plan is to replace a culvert on Albuquerque Avenue.
27

28 **Any Other Business**
29

30 Mr. Wagner provided a list of possible tasks the Board would want to be completed.
31 Planning Board members were asked to review the list and come up with five top projects
32

33
34 they want done.
35

36 Also, there is grant money to have NRPC assist the Town in agriculture through a sub
37 grant from CTAP. Pelham wants to participate. Details will follow.
38

39 **Minutes** - The minutes for January 5th and 19th will be approved at the next meeting
40 along with this evening’s minutes.
41

42 **Workforce Housing** - Chairman Douglas gave a brief overview regarding the seminar
43 which member Leon Barry and herself attended at NRPC on workforce housing. Mr.
44 Barry talked a little about the meeting. He said that the median income in Litchfield is
45 down to \$228,000 because Litchfield is now part of Manchester and Nashua standards.

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1 Originally, the median income was \$271,000.

2

3 There being no further business, Mr. Barry **MOTIONED** to adjourn the meeting. Mr.
4 Perry seconded. Motion carried 5-0-0. The meeting adjourned at 10:07 p.m.

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Alison Douglas, Chairman

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Edward Almeida, V. Chairman

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Jayson Brennen

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Steven Perry, Selectman

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Leon Barry

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Marc Ducharme

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John Miller, Alternate

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Lorraine Dogopoulos

28

Recording Secretary