

ITEM #6: New Business

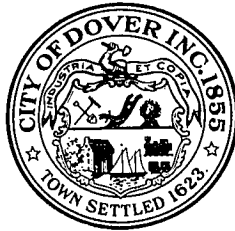
a. Impact Fee Waiver request for Dennis Munson, Assessor's Map F, Lot 30-A, located at 20 Harmony Lane.

This lot has existed for more than 17 years and was part of a subdivision approved by the Planning Board on August 11, 1987 and then re-approved on October 6, 1987. The City Council adopted the Impact Fee Ordinance as Chapter 170-28.7 on January 22, 2003 and the Planning Board adopted the School Impact Fee on February 25, 2003. The building permit for this lot was filed on August 24, 2004 and approved on September 13, 2004. RSA 674:39 states, in part, that subdivision plats that have been approved and recorded are exempt from zoning ordinance amendments for four years, provided that substantial completion of the improvements on the plat have occurred and that active and substantial development has begun within 12 months. Due to the fact that this lot was created more than four years before the adoption of the school impact fee and the lot is not grandfathered under RSA 674:39, the Planning Department recommends that the waiver be denied.

b. Impact Fee Waiver request for Stabile Homes, Assessor's Map M, Lot 76-25, located at 87 Waterloo Circle.

This lot was part of the Captain's Landing subdivision approved by the Planning Board on September 8, 1998, prior to the Planning Board's vote to adopt the school impact fee. The plat was signed by the chair on April 21, 1999 and recorded at the Registry of Deeds the same day. Substantial construction of the road began within one year of recording the plat and the first building permit within the subdivision was approved on April 4, 2000. RSA 674:39 states, in part, that subdivision plats that have been approved and recorded are exempt from zoning ordinance amendments for four years, provided that substantial completion of the improvements on the plat have occurred and that active and substantial development has begun within 12 months. RSA 674:39 was amended by the legislature on June 7, 2004 and one of the changes was to remove any grandfathering from impact fees after a project is substantially complete and four years have passed. However, in this case, the invoice for the school impact fee was issued on March 19, 2003, which is before the change in RSA 674:39 was effective. Therefore, the Planning Department recommends that the waiver be granted due to the fact that this lot was approved prior to the adoption of the school impact fee and is protected from zoning changes under the previous version of RSA 674:39.

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DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

MEMORANDUM

TO: Planning Board Members
FROM: Planning Department Staff
DATE: August 13, 2004
SUBJECT: Staff recommendations for agenda items for the August 24, 2004 Planning Board Meeting

ITEM #3: Application for a site plan of land for Jim Varney, Assessor's Map 39, Lot 4, zoned B-1, located at 29 Weeks Lane. (P04-39)

The applicant appeared before the Technical Review Committee on August 12, 2004 (see enclosed TRC notes). The Planning Department recommends that the application be accepted, the public hearing be opened to receive public input and the application be tabled to give the applicant time to address all of the TRC issues.

ITEM #4: Application for a site plan of land for Jim Varney (Owner Winston McHugh) Assessor's Map 38, Lot 38, zoned B-1, located at 23 Weeks Lane. (P04-40)

The applicant appeared before the Technical Review Committee on August 12, 2004 (see enclosed TRC notes). The Planning Department recommends that the application be accepted, the public hearing be opened to receive public input and the application be tabled to give the applicant time to address all of the TRC issues.

ITEM #5: Old Business

a. Discussion and possible vote on Changing Places, Cotswold Subdivision, located on Columbus Ave. (P03-68) (20 lots)

The Planning Department recommends approval of the subdivision plat with the following conditions:

1. Add the owner's signatures to the plat.
2. Add the surveyor's stamp and signature to the plat.
3. Add the engineer's stamp and signature to all applicable sheets of the plat.
4. Provide the Planning Department with a copy of the NH Department of Environmental Services Wetlands Permit and add the permit number to the plat.
5. Approval includes the granting of a Conditional Use Permit with the condition that the Conservation Commission receive a report documenting the restoration of the temporary wetlands impact for the sewer line.