



CITY OF DOVER

PLANNING BOARD WORKSHOP - MINUTES

Meeting Type: Workshop
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Tuesday, February 9, 2010**
Meeting Time: **7:00 PM**

MEMBERS PRESENT: Ronald Cole (Chair), Frank Torr (Vice Chair), Marcia Gasses, Doug Steele, Dean Trefethen, Donald Andolina, John Swartzendruber, Linda Merullo and Lee Skinner (Alternate).

MEMBERS NOT PRESENT: Perry Plummer.

STAFF PRESENT: Christopher Parker (Planning Director), Steve Bird (City Planner) and Michelle Beauchamp (Planning Secretary).

OTHERS PRESENT: Bruce Mayberry.

The Chair called the meeting to order at 7:02PM.

C.Parker noted that the Board has been working on impact fees since 2003. B.Mayberry was hired to rework and check the School Impact Fee for consistency and update it. In addition, he did a Recreation and Public Safety Impact Fee. He noted that the last impact fee is the Road Impact Fee, which has been done primarily by B.Mayberry working with the Engineering Office and Community Service Department. B.Mayberry is here to give an overview of road impact fee. C.Parker noted that the impact fees do not go before the City Council; it is a Planning Board only decision.

1. PRESENTATION: Bruce Mayberry will present the Road Impact Fee Methodology.

B.Mayberry of BCM Planning LLC stated that the impact fees are assessed only to new development to offset their share of impact on capital cost. This is a long term goal to recover capital costs from new developments as they occur. He noted that first you establish is a capital basis for the fees, which is consistent with what the City is actually investing. We try to define what infrastructures are included as a capital basis for the fee, which may involve estimated replacement costs. The second part is a proportional cost allocation for what is needed for the new development portion of its share of the capital investment that is required to service a given population or number of square feet for the future of the City. We usually take an average cost based on estimated demand on the system and apply the same standard to new development as used when estimating the existing development. We adjust the cost for particular uses based on a generation rate for schools, pupils per unit by type of housing unit. After we establish a proportionate distribution of capital costs, we come up with a fee schedule that is standardized by the type of use.

B.Mayberry noted that we make the assumption that all new vehicular traffic would generate some impact on City roads. We are concerned about the roads that most everybody uses and focus on the central road network of the City. In the Dover Pavement Management System, these are defined as collectors and high volume roads. These would be the common circulation for most traffic. He noted that the capital basis for the road fee would be based on the City Pavement Management System, which was designed to maintain the integrity of pavement over a long period of time based on their needs. This system constantly looks at what is needed and allocates appropriate costs to those roads. He added that looking at the road inventory, about 50% of the road surface area that is paved is in the central network. The proportionate cost allocation is only trying to recover funds for traffic impact on that part of the road system. Currently the estimated cost of the Pavement Management System is 1.8 million dollars per year to adequately maintain the integrity. The fee assignment is based on that annual cost and then looking out into the future projection year of 2030. He added that the base year is 2007. The impact formula is based on trip generation, households, housing unit, population and employment by sector. The estimated cost can be attributed to new vehicle trips. The impact



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fee is then stated as a certain cost per vehicle trip and each individual development trip rate is then used to assess the impact fee for that individual use. He stated that this was a fairly straight forward system and when compared to other cities, the magnitude is about the same. He added that road impact fees nationwide are roughly 3-4 times what we are talking about in the fee schedule we have here.

D.Andolina questioned how B.Mayberry arrived at the 1.8 million dollars for maintenance. B.Mayberry noted that the figure came from the Pavement Management System recommendations. He believes the 1.8 million came about from Public Works determining this as the goal level to adequate maintain quality and prevent deterioration of the wear surface. B.Mayberry noted that when we did the capital cost allocation, we found that 1/2 of the pavement surface is in these major roads. We used 1/2 of the amount over a period to 2030 and then determined how much of that is attributable to new development, which is 18%. He added that 18% is the amount recoverable from the impact fee itself.

L.Skinner felt that the 1.8 million over the next 20 years ignores inflation entirely. He added that while we are projecting more residents and more traffic we are not expecting the traffic to do anything to the roads. If you add 10% more people, he would think that the 1.8 million would be accelerated as well as inflation.

B.Mayberry noted that the concept of the impact fee is to start with a base number and then allow that fee to increase on an annual basis. If we update it from the amount that the City is actually spending and it turns out to be then less or more, or if it is indexed to the cost index, the dollar amount could increase over time or you could leave it the same. That would help account for inflation. The nature of the Pavement Management System looks over a period of time and it looks at roads and how the pavement condition changes over time. It recognizes what is happening in the City in terms of how rapidly the surfaces is wearing and what needs to be done to correct it. If the Management System is kept up, then it tends to self correct and keep road integrity in tact.

C.Parker asked the Board if they were ready to put this on the agenda for the 23rd for a public hearing and a possible vote of adopting the impact fee. L.Merullo noted that she did not want to deter new development and she was concerned if there was going to be a schedule to not surprise the developers with these impact fees. C.Parker stated that when a project comes in for Technical Review, we give them an idea of what the impact fees, as well as their water and sewer fee. He added that the point of the impact fee is to lessen the impact on the community. He noted that the community wanted the developers to pay their fair share. There was a general discussion regarding off site impact fees. C.Parker noted that some developments require an impact statement to be done by a qualified traffic engineer. He added that if a developer proposes a capital asset such as a park, then the Board can waive the impact fee for recreation. If they build a school, then the Board could waive the school impact fee. He added that the City Council would need to accept a capital asset.

The Chair noted that 10 years ago we were the cheapest State on the Seacoast when it came to impact fees and now we have brought our level up to where it should be. Take it in kind. D.Trefethen asked if Parker could put together a table of the various impact fees from surrounding communities.

2. DISCUSSION RE: Prioritization of suggested Land Use Regulation changes.

C.Parker noted that on January 12, 2010 the Board reviewed the list of suggested changes from other Land Use Board and removed items that they did not find advantageous at this time. He presented a revised list:



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Amendment #2 was to remove the word morals from the purpose statement. Amendment #4 would amend the abutter definition. He noted that currently the State law does not require notification to individual condominium owners, a notice is sent to listed officers or the association in control of the condominium. He noted that the Board could notify individual owners of the units but there could be 30-100 additional abutter notices charged to the applicant. He noted that for the purposes of notification, abutter/owner information would come from the Tax Assessment office.

He proposed a definition for Conservation Lot – to mean a lot created solely for the purpose of land conservation. The conservation lot must contain no less than 50% developable uplands, but will have no development rights. The conservation lot may be owned by a private nonprofit organization or entity, which has as its purpose the preservation of open space, or dedicated to a public entity. Conservation lots must meet the minimum required lot size and setbacks. Conservation lots do not need to meet the minimum frontage requirements. Conservation lots must be created following the regulations outlined in Chapter 155 - Subdivision of Land.

C.Parker noted a change for election signs: Election signs shall not be affixed in any manor to any public property, nor to utility poles and fixtures, nor painted, pasted or affixed in any manner that prohibits quick and complete removal. In addition, election signs are permitted within the public right of way, but not closer than the edge of pavement and with written permission from the abutting property owner. Board members expressed concern regarding a direct abutter, the definition of public property, and written permission. After a general discussion, he noted that he would review the State RSA for compliance.

M.Gasses was opposed to notifying individual owner within an association. She noted that this would be a significant cost to the applicant to notify each individual. She stated that the association is a mechanism that is in place. D.Trefethen noted that most of the associations are not functioning properly and do not notify the individual owners. D.Trefethen noted that a single family home is notified, but a condo owner is treated like a second class citizen. M.Gasses noted that it is up to them to make sure their association is functioning correctly. She added that an individual land owner should not be held accountable for making sure the condo association is functioning properly. D.Trefethen noted that the association is not there to protect individual property rights. The Chair noted that the Board should consult the City Attorney. L.Skinner notification mailed out to officers of certified mail. C.Parker noted that he spoke with Attorney Krans who stated that we could be stricter then the State.

M.Gasses noted that if the condos were individual lots, then it would be different. L.Skinner felt that it would become incredibly prohibitive to individuals. C.Parker noted that for the next meeting he will find out from the tax assessor how many condominiums are in the community. D.Trefethen asked if it was possible to determine which condominium units overlooked/abutted the proposed site. C.Parker stated that he would look into that. D.Steele noted that he agreed with D.Trefethen's suggestion. It was suggested that a public notice could be posted in their common area or centralized mailbox system area.

The Chair noted that he would like to speak with the City Attorney regarding the condo document which could include language that to notify the individual condo owners of these notifications. D.Trefethen suggested that the official certified notification be mailed to the association and send notification to the individual owners by regular mail.



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C.Parker noted that the following change is being proposed to election signs: No sign in any district shall be larger than four (4) feet by four (4) feet or a total square footage of sixteen (16) square feet. He noted that there used to be an exception for the Central Business District. L.Skinner suggested removing the 4x4 language and just limiting the size to 16 square feet.

C.Parker noted that it had been suggested to remove drive in movie theaters from the R-40 District. He added that it could be added to the B-4 District. He suggested that the word drive-in theater be changed to just theater, which would allow both drive in and enclosed. The Board opted to leave it as it is.

C.Parker noted that he would like to add Conservation Lot to permitted uses under R-40. M.Gasses noted that not all conservation lots are in the R-40. It was suggested that it be included in all single family residential districts.

C.Parker noted that he would like to remove Gravel Pit from permitted uses under R-40 and place it in the I-4 District.

3. Discussion Re: Meeting Schedule

C.Parker noted that on February 23, 2010 he would like to meet at 6:30 for a workshop.

C.Parker stated that he enjoyed the public information session on zoning. He would like to start a monthly Brown Bag Planning breakfast on March 9th over at Green Bean at McConnell Center at 7:AM. He would like to invite people to come and talk about planning issues. C.Parker noted that he will send out a press release, twitter, facebook and blog.

The Chair closed the workshop at 8:10 PM.