

# HILLSBOROUGH PLANNING BOARD

January 16, 2013

## Approved Meeting Minutes

Present:

Members:

Herm Wiegelman (Chair), Martha Caron, Dave Fullerton, Larry Baker, Ken Stafford, Sr., Bob Eckberg (Alternate).

Staff:

John P. Segedy, Recording Secretary;

Robyn Payson, Planning Director;

Kelly Dearborn-Luce, Code Enforcement Officer

Dennis Roberts, Jr., Chair Economic Development Commission

Brett Cherrington, Chair Conservation Commission

Terry Yeaton, Conservation Commission

Rachel Hawkinson, Conservation Commission & Planning Board Alternate (Arrived 7:10 pm)

Russell Galpin, Selectman

Doug Hatfield, Economic Development Commission (Arrived about 7:45 pm)

John P. Stohrer, Joe Campbell, Daniel C. Luce

### **CALL TO ORDER**

The meeting was called to order at 7:00 pm by Herm Wiegelman, Chair.

A packet of information regarding agenda items was provided to Board members by Robyn Payson, Planning Director.

Bob Eckberg was designated to vote in place of Ann Poole.

### **PUBLIC HEARING - Site Plan Review-Master Site Plan**

Saxon Partners, Michael Black

Antrim Road Map 11D-Lot 296, Map 11H Lots 305&306, Map 11L Lots 311&327

Herm Wiegelman informed the Board that the applicant had asked for a continuance due to the weather and his attorney not being able to attend.

**Martha Caron moved: *To continue the Public Hearing on the Site Plan Review- for a Master Site Plan of Saxon Partners until February 6, 2013 at 7:00 pm due to weather and attorney availability.***  
**Larry Baker seconded. Motion Passed 5-0-1 (Dave Fullerton abstained).**

### **MINUTES**

**December 19, 2012**

John Segedy informed the Board of a name correction that he had learned about and needed to make.

**Larry Baker moved: *To approve the minutes of December 19, 2012 as amended.***  
**Bob Eckberg seconded. Motion passed 5-0-1 (Martha Caron abstained).**

**PUBLIC HEARINGS – Zoning Amendments****Article 1) Proposal to change the allowable size of a ground sign. Section 229-35 C. (1) (b)**

Chair Wiegelman opened the Public Hearing at 7:07 pm.

Chair Wiegelman read the proposed ordinance:

*“Ground Sign. One ground sign is allowed per property. A property on a corner facing two streets may have two ground signs. The maximum height for a ground sign is 18 feet and the maximum area is 50 square feet.”*

Russ Galpin asked if this was in the business zone.

Herm Wiegelman answered 'Yes'.

Dave Fullerton said he thought the limit was 4 square feet in the Residential District.

Robyn Payson looked up the ordinance in the Town Code. She said it applies to the Central Business and Commercial Districts.

Rachel Hawkinson arrived at 7:10 pm.

Herm Wiegelman asked if there was any public comment.

John Segedy speaking as a member of the public said he had two concerns about this proposal.

John Segedy said that his first concern had to do with the fact that when the Board discussed this proposal at its December 5<sup>th</sup> meeting it had asked the staff to add a vehicle to allow for larger signs on a case by case basis – perhaps through a conditional use process. He said that when the ordinance proposal was brought back to the Board at its December 19<sup>th</sup> meeting it did not have such a provision yet was accepted by the Board without further discussion.

John Segedy said his second concern had to do with respect for the voters. He noted that last year the Board had proposed a change in the ordinance going from a 150 square foot limit to 100 square feet and that was turned down by the voters. John Segedy said that he thought it was disrespectful of the voters to propose even more of a restriction. He said that they could have come back with a compromise somewhere in between the 150 and 100 square foot figures such as 125 square feet which would have shown they were listening to the voters.

Larry Baker said he remembered discussing having a way to have a larger one.

Martha Caron said they could get a variance.

Herm Wiegelman said that would address the first concern John raised. He said that as far as the second, that last years proposal was part of a larger proposal and that he thinks it was turned down because of that.

**Martha Caron moved:** *That the Planning Board approve the final form of this amendment to the Town Code (Zoning Ordinance): “Section 229-35 C. (1) (b): Ground Sign. One ground sign is allowed per property. A property on a corner facing two streets may have two ground signs. The maximum height for a ground sign is 18 feet and the maximum area is 50 square feet.” and that the same be presented to the voters at the Town Meeting on March 12, 2013.*

**Larry Baker seconded. Motion passed 5-1 (Ken Stafford, Sr. voted no).**

**Article 2) Proposal for conformity of Building Height. Section 229-8**

Chair Wiegelman opened the Public Hearing at 7:15 PM.

Chair Wiegelman read the proposed ordinance:

*The maximum height of all buildings shall not exceed fifty (50) feet above grade level. Steeples, cupolas, chimneys and other service appurtenances shall not be considered in determining height.*

Herm Wiegelman asked if there was any public comment.

John Segedy speaking as a member of the public asked for leeway regarding limiting his comments to this article only. He said that in looking at this article and article three it was apparent that they should be combined. John Segedy said that if they were kept separately they may end up with a conflict between the ordinances (if #2 passed and #3 failed) or neither (if #3 passed and #2 failed).

Larry Baker said he thought it made sense to combine them.  
There was discussion of the articles.

**Larry Baker moved:** *To combine articles 2 and 3 to read “Amend Section 229-8 The maximum height of all buildings shall not exceed fifty (50) feet above grade level. Steeples, cupolas, chimneys and other service appurtenances shall not be considered in determining height and delete section 229-20.1 (f) maximum height for central business district is four stories.”*

**David Fullerton seconded. Motion passed 5-1 (Ken Stafford, Sr. voted no).**

**Larry Baker moved:** *To send combined article 2 and 3 reading “Amend Section 229-8 The maximum height of all buildings shall not exceed fifty (50) feet above grade level. Steeples, cupolas, chimneys and other service appurtenances shall not be considered in determining height and delete section 229-20.1 (f) maximum height for central business district is four stories.” to be presented to the voters at the Town Meeting on March 12, 2013.*

**Martha Caron seconded. Motion passed 5-1 (Ken Stafford, Sr. voted no).**

**Article 4) Proposal for exempting Housing for Older Persons from the Impact Fee Ordinance Section 149-5**

Chair Wiegelman opened the Public Hearing at 7:25 PM.

Chair Wiegelman read the proposed ordinance:

§ 149-5 Exemption. *(New) A development that is maintained in compliance with the provisions of RSA 354-A: 15, Housing for Older Persons, shall not be subject to the Impact Fee Ordinance.*

Herm Wiegelman asked if there was any Board Discussion. There was not.

Herm Wiegelman asked if there was any public comment.

John Segedy speaking as a member of the public said that they should be aware that money not collected because of this exemption will have the effect of raising taxes. He explained that the town has about 10 more years to pay off the Middle School the payments for which are currently about 1 million dollars a year and money raised by the impact fees go to offset at least some of these costs. He said that with proposals out there for 29 and 85 unit developments this could be a significant amount of money.

Robyn Payson explained that she had researched this since noticing the inconsistency. She said that in the 2006 Planning Board minutes the Board had included the exemption in the fee schedule and that it has been the practice since then to exempt elderly housing. Robyn Payson said that it needs to be in the ordinance however for the exemption to be legal..

Herm Wiegelman said that the purpose of the impact fee was to help pay for the school required by increased enrollment.

Russ Galpin said that he doesn't believe in impact fees in general but that as he reads the proposal it is making sure that elderly housing won't have to pay impact fees for the schools as they don't have an impact on them.

Chair Wiegelman closed the Public Hearing at 7:34 pm.

**Martha Caron moved:** *That the Planning Board approve the final form of this amendment to the Impact Fee Ordinance: Amend Article 149 of the Town Code (Impact Fee Ordinance) to adopt the following new § 149-5 and re-index the sections following the new § 149-5:*

*“§ 149-5 Exemption. (New) A development that is maintained in compliance with the provisions of RSA 354-A: 15, Housing for Older Persons, shall not be subject to the Impact Fee Ordinance.”*

*and that the same be presented to the voters at the Town Meeting on March 12, 2013.*

**Larry Baker seconded. Motion passed 5-0-1 (Ken Stafford, Sr. abstained).**

#### **PUBLIC HEARING – Citizens Petition**

##### **Discontinuation of collection of Impact Fees**

Robyn Payson read a letter to the Board from Rex Gray, submitter of the petition. (Attached below in Appendix).

Herm Wiegelman stated that the only action the Planning Board can take is support it or not.

Larry Baker asked if the student numbers were down as stated by Rex.  
This was confirmed by Russ Galpin and John Segedy.

Martha Caron said that the problem was that is asking others to pay.

Herm Wiegelman said he would have preferred that the petitioners had spoken to the Board before making the proposal as he thinks that they could have addressed their concerns by suspending collection of impact fees for a period of time.

Robyn Payson said she had asked the towns attorney about the PB suspending collecting the fee, but was waiting for his answer.

Dave Fullerton said he thought the impact fees should be gotten rid of because they are detrimental to the town. He said he drives by new homes that are being built in Bradford and Antrim but not in Hillsborough. He also said he knows an owner of business' in Hillsborough and Henniker who just decided to build a home in Henniker.

Martha Caron asked why they would want to build houses as there are so many other houses for sale.

Ken Stafford, Sr. answered that it provides jobs to contractors, excavators, masons, etc. He said he wants to do away with it.

Bob Eckberg said that maybe people are building elsewhere because of the tax rate. He said he knows of one home near him that was a \$200,000.00 home that sold for \$85,000.00 and now has 2 kids in it as well as another that was worth \$250,000 that went for about \$100,000 and there are four kids there.

Dave Fullerton said he knows a contractor from Bennington that is traveling to Maine for work and another in Deering who is going to Massachusetts. He said that people are paying on the assessed values of their properties when they can't sell them for that price.

Herm Wiegelman said that if the impact fee is negatively affecting building, then he would expect that if this proposal passes, then we can expect to see building increase.

Chair Wiegelman opened the floor to the public.

Russ Galpin said that he was against impact fees because he sees it as a case of 'I've got mine, now you pay more to get yours'. He said that it was 'putting a higher burden on one group, on our children or in my case 6 great grandchildren.' Russ Galpin said he didn't think it was the right way to tax people. He said he also doesn't like to see a large increase in housing as that is a losing proposition (taxes raised vs. cost of services).

Martha Caron said we are stuck with the taxing system of NH relying on property taxes.

Russ Galpin said that NH is 4<sup>th</sup> from the lowest level of taxation.

Chair Wiegelman said they should get off taxes and stick to the proposal.

Brett Cherrington said he saw points on both sides but he thinks they should not support the petition based on a reference to Rex Gray's letter that growth is not good at this time but will get better at some time in the future.

Doug Hatfield said that he was a member of the Economic Development Commission and that the support the petitioned article. He said that with the efforts of the Commission to promote the town one thing that is helpful is to maintain an atmosphere of vitality and that even 2-3 homes being built sends a message. He said that he does believe the impact fee discourages building.

John Segedy speaking as a member of the public said that he had mixed feelings about this issue. He said that on the one hand he had experienced himself the fee discouraging him from building. John Segedy said that the impact fee has a problem much like much of the planning regulations in that it makes it hard if not impossible for an individual to gradually make a home for themselves and their family. John Segedy said that he also saw that large developments do have a large effect on taxes and these fees do help offset that burden. He suggested that perhaps an alternative that exempted from the fees a person building one home in a five year period.

**Dave Fullerton moved: *To support the petition to discontinue the impact fee.***

**Ken Stafford, Sr. seconded. Motion passed 4-2 (Herm Wiegelman and Martha Caron voted no).**

**Martha Caron moved: *To close the Public Hearing.***

**Bob Eckberg seconded. Motion passed 6-0.**

**CORRESPONDENCE**

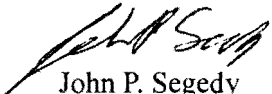
Robyn Payson said she had received a copy of a survey for property located on County Road (M 5, L 53 & 56-4).

**Adjournment**

Larry Baker moved: *To adjourn.*

Dave Fullerton seconded. Motion passed 6-0 at 8:13 pm.

Respectfully Submitted:

  
John P. Segedy  
Recording Secretary

**APPENDIX:**

**Letter from Rex Gray:**

**TO THE HILLSBOROUGH PLANNING BOARD**

*As authorized by Town Meeting in March, 2005, on July 5, 2007, The Hillsborough Planning Board voted to adopt a "PUBLIC SCHOOL IMPACT FEE" on the construction of any and all new residential dwellings in the town of Hillsborough.*

*This Planning Board action was taken after Hillsborough had experienced several years of unprecedented double digit population growth. At the time it appeared this growth was going to continue indefinitely. Had the "housing bubble" not burst, Hillsborough could have been looking at a need to expand capacity at one or all three levels of schools over the coming years.*

*This multi-year population growth in our schools was exacerbated by the fact that nearly all of the housing growth was in low to moderate income housing which did not provide the tax base to cover the cost of the increased population in our schools.*

*This was the environment when the Hillsborough Planning Board made the decision to implement the Impact Fee. Given the environment, it was probably a good decision at the time.*

*However, as we all know, things have certainly changed since 2007.*

*We now know, by July 2007, the "housing bubble" had already burst. This led to one of the most prolonged, depressed housing markets the country has experienced in our lifetime. The national real estate market seems to have bottomed out, and in numerous areas around the country, prices and demand seem to be on the increase. This is also true in the southeastern part of New Hampshire. However, we have not yet seen this improvement in Hillsborough. Lawrence Duggan, the leading Real Estate Broker in Hillsborough until his passing in the early 2000's, was often quoted as saying, "Hillsborough is always the first area to be hit and the last to come back". It appears he was correct.*

*Even with all the foreclosure sales over the past several years, which has decimated the residential Real Estate market in Hillsborough, there are still numerous empty houses waiting to be sold via "short sale" or foreclosure. Once these properties are sold, hopefully, the Hillsborough residential real estate market will begin to recuperate.*

*Since the impact fee was implemented the Town of Hillsborough has collected approximately \$71,000 in "impact fees". This equates to 11 new houses in over six years.*

*In my opinion, the burst of the housing bubble has contributed more to the lack of development in Hillsborough, than the "PUBLIC SCHOOL IMPACT FEE". However, as we, like the rest of the Country try to get our economy going again, it is clearly time to rescind this Impact Fee.*

*Economic development consists both of residential and commercial development. They go hand-in-hand. Any large, national retailer who wants to come to Hillsborough, is going to look at Hillsborough's attitude toward all development. If they want to bring employees into the area, they want to feel Hillsborough welcomes their employees, and not just their stores.*

*The town code implementing this "PUBLIC SCHOOL IMPACT FEE" specifically stated that it was to cover costs related to increased capacity. It states "the fee shall be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development". It further states that impact fees should not be used for other maintenance and improvement costs which do not contribute to facility capacity.*

*The population of the Hillsborough-Deering Cooperative School District today has an overall population of approximately 1,320 students. This population is approximately 9% lower than it was on July 5, 2007, when the Impact Fee was adopted*

*It is clear, school capacity will not be an issue in Hillsborough for several years. As our economic condition improves, and residential development begins to happen in Hillsborough, the Impact Fee can always be reintroduced.*

***The Warrant Article is asking the voters of the Town of Hillsborough to rescind this impact fee because it is no longer needed. It will have an adverse impact on the economic development of Hillsborough, and is an unnecessary burden on taxpayers who want to build a home in Hillsborough.***

*We are asking the Hillsborough Planning Board to support the passage of this Warrant Article.*