



TOWN OF EXETER, NEW HAMPSHIRE

10 FRONT STREET • EXETER, NH • 03833-3792 • (603) 778-0591 • FAX 772-4709
www.exeternh.gov

LEGAL NOTICE EXETER PLANNING BOARD AGENDA

The Exeter Planning Board will meet virtually via ZOOM (see connection info below*) on Thursday, January 14th, 2021 at **6:30 P.M.** to consider the following:

NEW BUSINESS: PUBLIC HEARINGS

Public hearing on proposed zoning amendment(s) for the 2021 Town Meeting warrant:

- Amend Article 11 – Proposed changes to update the Public Capital Facilities Impact Fee ordinance.

Public hearing to amend the existing Public School and Recreation impact fees schedule.

Public hearing on proposed amendments to Planning Board Site Plan Review and Subdivision Regulations:

- Amend Section 9.4 – Flood Hazard Areas by updating the date of the Flood Insurance Rate Maps (FIRM) that the regulations references.
- Amend Section 9.16 by updating the footnotes denoting the new NH DES website references.

OTHER BUSINESS

EXETER PLANNING BOARD

Langdon J. Plumer, Chairman

Posted 12/31/20: Exeter Town Office and Town of Exeter website

***ZOOM MEETING INFORMATION:**

Virtual Meetings can be watched on Channel 22 and on Exeter TV's Facebook and YouTube pages. To access the meeting, click this link: <https://exeternh.zoom.us/j/83300200162>

To access the meeting via telephone, call: +1 646 558 8656 and enter the Webinar ID: 833 0020 0162

Please join the meeting with your full name if you want to speak.

*Use the "Raise Hand" button to alert the chair you wish to speak. On the phone, press *9.*

More instructions for how to access the meeting can be found here:

<https://www.exeternh.gov/townmanager/virtual-town-meetings>

Contact us at extvg@exeternh.gov or 603-418-6425 with any technical issues.



TOWN OF EXETER

Planning and Building Department

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Date: January 7, 2021
To: Planning Board
From: Dave Sharples, Town Planner
Re: Public School & Recreation Impact Fee Update – Zoning amendment

As described previously to the Board, Bruce Mayberry recommended several changes to our Impact fees. I have enclosed a copy of the amendment along with my prior memo that describes the changes. We did discuss this at the last meeting and the Planning Board decided to hold a public hearing on the amendment at this meeting. I provide a motion below in the event the board decides to recommend these changes.

Motion: I move that the Board place the proposed amendment, regarding Article 11 Public Capital Facilities Impact Fee, titled “Proposed Amendment for the January 14, 2021 Planning Board meeting” and dated January 7, 2021 on the 2021 Town Warrant with a recommendation for adoption.

Thank You.

Enclosures (2)

Proposed Amendment for January 17, 2021
Planning Board meeting

ARTICLE 11. PUBLIC CAPITAL FACILITIES IMPACT FEE

11.1 AUTHORITY AND APPLICABILITY

- 1.1.1 This Article is authorized by New Hampshire RSA 674:21 as an innovative land use control. The administration of this article shall be the responsibility of the Planning Board. This Article, as well as regulations and studies adopted by the Planning Board consistent with and in furtherance of this Article, shall govern the assessment of impact fees imposed upon new development in order to meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the Town of Exeter, the Exeter School District, or the Exeter Region Cooperative School District.
- 1.1.2 The public facilities for which impact fees may be assessed in Exeter may include water treatment and distribution facilities; waste water treatment and disposal facilities; sanitary sewer; storm-water, drainage and flood control facilities; public road systems and right-of-way; municipal office facilities; public school facilities including a proportional share of capital facilities of the Exeter Region Cooperative School District; public safety facilities; public library facilities; and public recreation facilities not including public open space.
- 1.1.3 Prior to assessing an impact fee with exception of off-site improvements required by the Planning Board for one or more of the public capital facilities enumerated above, the Planning Board shall adopt such studies or methodologies and related fee schedules that provide for a process or method of calculating the proportionate share of capital improvement costs that are attributable to new development. Such calculations shall reasonably reflect the capital cost associated with the ~~increased demand~~ placed on capital facility capacity by new development.
- 1.1.4 The following regulations shall govern the assessment of impact fees for public capital facilities in order to accommodate ~~increased demand~~ on the capacity of these facilities due to new development.

Date: January 7, 2021

1.2 PURPOSE

- 1.2.1 Assist in the implementation of the Town of Exeter Master Plan;
- 1.2.2 ~~Provide for the planning and provision of public capital facilities necessitated by the growth of the Town of Exeter~~Provide public capital facilities that accommodate demand from new development in the Town of Exeter;
- 1.2.3 Provide adequate school system capacity to accommodate ~~growth in~~ public school enrollment generated by new development.
- 1.2.4 Assess an equitable proportion of ~~growth-related~~ costs of new and expanded public capital facilities to new development, in proportion to the facility demands created by that development.

1.3 FINDINGS

The Town of Exeter hereby finds that:

- 1.3.1 The Town of Exeter is responsible for and committed to the provision of public capital facilities and services at standards determined by the Town ~~to be necessary~~ to support development in a manner which protects and promotes the public health, safety and welfare;
- 1.3.2 An impact fee ordinance for public capital facilities is consistent with the goals and objectives of the Master Plan and the Capital Improvements Program of the Town of Exeter;
- 1.3.3 New development in Exeter will create the need for the construction, equipment, or expansion of public facilities in order to provide adequate public capital facilities for its residents and businesses.
- 1.3.4 Impact fees may be used to assess an equitable share of the ~~growth-related cost of the capacity of public capital facilities resulting from the new development in proportion to the facility demands created by that development~~ cost of public capital facilities in proportion to the facility demands of new development;
- 1.3.5 Impact fees assessed pursuant to this Ordinance will not exceed the cost of:
 - A. Providing ~~additional expanded public capital facilities necessitated by new development in Exeter~~ new, expanded or improved capital facilities to accommodate new development in Exeter; and/or

- B. Compensating the Town of Exeter, the Exeter School District, or the Exeter Region Cooperative School District for public capital facility capacity that it provided in anticipation of new development in Exeter.

1.4 DEFINITIONS

The following terms are defined for purposes of this article.

- 1.4.1 **Fee Payer:** The applicant for a permit that would create new development as defined in this ordinance.
- 1.4.2 **Public Capital Facilities:** Facilities and equipment owned, maintained or operated by the Town of Exeter, the Exeter School District, or the Exeter Region Cooperative School District. Facilities which are eligible for impact fee assessment under this Ordinance may include any or all of the facilities which are specifically delineated under NHRSA § 674:21 (V).
- 1.4.3 **Gross Floor Area:** The sum of the areas of all floors of main and accessory buildings on the lot as measured to the outside surface of the exterior walls. The gross floor area shall include basement, lobbies, and stair openings, elevator shafts and storage. The gross floor area shall exclude open wells, (atriums), mechanical rooms, crawl spaces and attics without floors, attics used only for mechanical services, porches, balconies and open-sided roofed-over areas.
- 1.4.4 **New Development:** An activity, which results in:
 - A. The creation of a new dwelling or dwelling units (as defined by Article 2.2 "Definition" contained in this Zoning Ordinance); or
 - B. The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of residential units; or
 - C. Construction of a new non-residential building or, a net increase in the gross floor area of any non-residential building; or
 - D. The conversion of an existing use to another use if such change creates a net increase in the demand on public capital facilities that are the subject of impact fee assessment methodologies adopted by the Planning Board; or

- E. A new or modified service connection to the public water system or the public wastewater disposal system of the Town of Exeter that would result in a net increase in demand on the capacity of these facilities.

New Development shall not include the replacement of an existing mobile home, or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in its size, intensification of, or type of use, and where there is no net increase in demand on public capital facilities.

1.5 COMPUTATION OF IMPACT FEE

- 1.5.1 The amount of each impact fee shall be assessed in accordance with subdivision and site plan regulations adopted by the Planning Board, or with written procedures or methodologies adopted and amended by the Planning Board and accepted by the Board of Selectmen for the purpose of public capital facility impact fee assessment in Exeter. The computation of an impact fee shall be based on formulas or methods that include documentation of the procedures used to establish the amount of the impact fee. The amount of any impact fee shall be computed based on the municipal public capital improvement cost of providing adequate public capital facility capacity to serve new development. Such documentation shall be available for public inspection in the Planning Department of the Exeter Town Office.
- 1.5.2 In the case of new development created by the conversion or modification of an existing use, the impact fee assessed shall be computed based upon the net increase in the impact fee assessment for the new use as compared to the highest impact that was, or would have been, assessed for the previous use in existence on or after the effective date of this Ordinance.

1.6 ASSESSMENT & PAYMENT OF IMPACT FEE

- 1.6.1 ~~Impact fees may be assessed by the Code Enforcement Officer, prior to or as a condition to issuance of a building permit on new development to compensate the Town of Exeter for the proportional share of the public capital facility costs generated by the development. The Code Enforcement Officer may accept impact fee payment at the time the building permit is being issued. All impact fees shall be assessed at the time of planning board approval of a~~

subdivision or site plan. When no planning board approval is required, or has been made prior to the adoption or amendment of an impact fee ordinance, the Code Enforcement Officer may assess the fee prior to or as a condition to the issuance of a building permit;

1.6.2 Impact fees shall be collected on or before for the issuance of a certificate of occupancy. ~~In the case of impact fees for off-site capital improvements that are to be constructed simultaneously with new development, and where sufficient non-impact fee funds have been appropriated to create the capital improvements, the fee may be collected at the time a building permit is issued.~~ The Town of Exeter and the fee payer may establish an alternate, mutually acceptable schedule of payment. The Code Enforcement officer may accept impact fee payment at the time the building permit is issued.

1.6.3 Any person who seeks a permit for new development, may be required to pay the public capital facility impact fees established by the Town of Exeter authorized under this Ordinance, except where all or part of the fees are waived in accordance with the criteria for waivers established in this Ordinance.

1.7 **WAIVERS** AGE RESTRICTED HOUSING

The Planning Board shall adjust the school impact fees on age restricted housing as follows; may grant a full or partial waiver of impact fees where the Board finds that one or more of the following criteria are met with respect to the particular capital facilities for which impact fees are normally assessed;

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1.7.1 — A person may request a full or partial waiver of school facility impact ~~No school impact~~ fees shall be assessed for those residential units that are lawfully restricted to occupancy by senior citizens age 62 or over. ~~The Planning Board may waive school impact fee assessments on age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy for a period of at least 20 years;~~

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1.7.2 No school impact fees shall be assessed for those residential units that are 100% lawfully restricted to occupancy by senior citizens age 55 or over.

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1.7.3 For those residential units that are lawfully restricted to occupancy by senior citizens age 55 or over but allow up to 20% of the units to be occupied by any age, shall pay the percentage of the school impact fee

that matches the percentage of units that are not restricted. For example, in a development that restricts 80% of the units to those aged 55 or over, this development shall pay 20% of the school impact fee.

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1.7.1 NEW SECTION:" WAIVERS:

The Planning Board may grant a full or partial waiver of impact fees where the Board finds that one or more of the following criteria are met with respect to the particular capital facilities for which impact fees are normally assessed.

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1.7.2 The Planning Board may agree to waive all or part of an impact fee assessment and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. Full or partial waivers may not be based on the value of exactions for on-site or off-site improvements required by the Planning Board as a result of subdivision or site plan review, and which would be required of the developer regardless of the impact fee assessment authorized by this Article.

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1.7.3 The Planning Board may waive an impact fee assessment for a particular capital facility where it finds that the subject property has previously been assessed for its proportionate share of public capital facility impacts, or has contributed payments or constructed capital facility improvements equivalent in value to the dollar amount of the fee(s) waived.

~~1.8.0 A person may request a full or partial waiver of impact fees, other than those that expressly protect public health standards, for construction within a plat or site plan approved by the Planning Board prior to the effective date of this Article (November 20th, 2001). Prior to granting such a waiver, the Board must find that the proposed construction is entitled to the four year exemption provided by RSA 674:39, pursuant to that statute.~~

1-101.8 APPEALS

~~1-10-11.8.1~~ A party aggrieved by a decision under this Article may appeal such decision to the Superior Court as provided by RSA 676:5, III and RSA 677:15 as amended.

1-111.9 ADMINISTRATION OF FUNDS COLLECTED

Any impact fee collected shall be properly identified by and promptly transferred for deposit in an appropriate Public Capital Facilities Impact Fee Account and used solely for the purposes for which it was collected. Impact fee accounts shall be special revenue fund accounts and under no circumstance will impact fee revenue accrue to the general fund.

1-121.10 CUSTODY AND MAINTENANCE OF FUND ACCOUNTS

~~1-12-11.10.1A~~ separate Public Capital Facilities Impact Fee account shall be established for each type of capital facility for which an impact fee is assessed

~~1-12-21.10.2~~At the end of each fiscal year, the Finance Director shall make a report giving a particular account of all impact fee transactions during the year.

1-131.11 USE OF FUNDS

~~1-13-11.11.1~~Funds withdrawn from any public facilities impact fee account shall be used solely for the purpose of acquiring, constructing, facility equipment, or making improvements to the particular public capital facilities for which the account is designated.

~~1-13-21.11.2~~In the event that bonds or similar debt instruments have been issued for public capital facilities which were constructed in anticipation of current growth, or are issued for advance provision of capital facilities for which public capital facilities impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments.

1-141.12 REFUND OF FEES PAID

The owner of record of property for which an impact fee has been paid shall be entitled to a refund of that fee, plus accrued interest where:

~~1.14.11.12.1~~ The impact fee has not been encumbered or legally bound to be spent for the purpose for which it was collected within a period of six (6) years from that date of the final payment of the fee; or

~~1.14.21.12.2~~ The Town has failed, within the period of six (6) years from the date of the final payment of such fee, to appropriate the non-impact fee (town) share to related capital improvements costs.

1.151.13 **ADDITIONAL ASSESSMENTS**

Payment of a public capital facilities impact fee does not restrict the Town or the Planning Board in requiring other payments from the fee payer, including, but not limited to, water and sewer hook-up fees and other fees related to the cost for extensions of water and sewer mains, including road improvements or other infrastructure and facility needs specifically benefiting the development not otherwise included in the public capital facilities impact fee.

1.161.14 **PREMATURE AND SCATTERED DEVELOPMENT**

Nothing in this Ordinance shall be construed so as to limit the existing authority of the Exeter Planning Board to provide against development, which is scattered or premature, requires an excessive expenditure of public funds, or is otherwise contrary to the Town of Exeter Zoning Ordinance or Site Plan Review and Subdivision Regulations.

1.171.15 **REVIEW**

Procedures and methodologies that are adopted for the purpose of calculating the amount of an impact fee ~~shall~~ should be reviewed by the ~~Board of Selectmen~~ Select Board and Planning Board at a minimum of five-year intervals, and may be amended periodically after public hearing.



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Date: December 9, 2020
To: Planning Board
From: Dave Sharples, Town Planner
Re: Impact Fee update

As I have mentioned several times at prior meetings, the town hired Bruce Mayberry to complete two tasks. The first was to examine our school and recreation impact fees and determine if they need to be updated and second, recommend any changes to our impact fee ordinance. These are two distinct tasks that require different paths so I will describe them separately.

School and Recreation Impact Fee update

The purpose of the update was for Mr. Mayberry to examine the fees in place now to see if an update is required. The fees were last updated in 2003. As you will note in the enclosed analysis completed by Mr. Mayberry, he suggests the Town update the impact fees and provides three options: A, B, and C.

Impact fees are authorized under Article 11 Public Capital Facilities Impact Fee in our Zoning Ordinance. Per these provisions, the Planning Board “adopts” and the Select Board “accepts” the amount of the impact fees. I was unclear on exactly what this meant, so I reviewed the process that was followed in 2003, the last update to the fees. That process was to appear before the Select Board, then go to the Planning Board for adoption and then return to the Select Board for acceptance.

I appeared before the Select Board in November (memo enclosed). I recommended that the Board consider the acceptance of Option A and the Select Board agreed. I would recommend the Planning Board adopt option A for both School and Rec fees. In the event spending on capital projects increases over the next few years then we can always revisit and adjust the fees accordingly based upon this study.

Mr. Mayberry will attend the meeting to discuss his update and findings and answer any questions the board may have.

Impact Fee Ordinance Amendment

In his analysis, Mr. Mayberry suggests several minor changes to Article 11 Public Capital Facilities Impact Fee in our Zoning Ordinance. I have enclosed a DRAFT that includes the suggested revisions from Mr. Mayberry and some revisions as a result of staff review in coordination with the Master Plan Oversight Committee that focused on revising the waiver section by removing the references to age restricted housing and creating a new section that sets forth what age restricted development will pay in impact fees, if any, based upon the language in their restrictive covenants. For example, if an age restricted development has covenants prohibiting school aged children in 80% of the units then the applicant shall pay 20% of the school impact fee. I will provide a brief presentation on the changes to the ordinance at the meeting.

In accordance with the calendar for adopting zoning amendments, the Planning Board has to post and publish notice for the first hearing on a proposed zoning amendment on or before January 7, 2021. Since the Board will not meet again until January 14, 2021 I do intend to post a public hearing for this amendment for the January 14, 2021 meeting unless the board objects. I would also ask the board to consider having the public hearing prior (say 6:45pm) to the regular scheduled meeting as we have a full agenda for that evening.

Thank You.

Enclosures (4)



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Date: January 7, 2021
To: Planning Board
From: Dave Sharples, Town Planner
Re: Public School & Recreation Impact Fee Update – Adoption of Fees

At the last meeting, Bruce Mayberry, the consultant the town hired to complete an update to our impact fees, described to the board the options for updating the school and recreational impact fees. The board will hold public hearing at this meeting and then the board will be in a position to adopt the update if that is the pleasure of the board.

As discussed at the last meeting, Mr. Mayberry offers three options: option A, B, and C, for both school and recreational impact fees. The Select Board reviewed the fees and have recommended the adoption of option A for both fees as recommended by staff. The rationale behind recommending option A was that they were the most conservative estimates and the town can always revisit them based upon future capital expenditures. The Planning Board did discuss making this a topic of their annual Capital Improvement Program (CIP) process.

I have provided motions below in the event the Planning Board decides to formally adopt the updated fee schedule.

School Impact Fee Update Motion: I move that the Planning Board adopts Option A (B or C), as the update to our School Impact fees as set forth in the table in Section H.1 on page 17 in the 2020 Impact fee Update: Public School Facilities, Town of Exeter, New Hampshire dated October 16, 2020 by Bruce Mayberry.

Recreation Impact Fee Update Motion: I move that the Planning Board adopts Option A (B or C), as the update to our Recreation Impact fees as set forth in the table in Section A. Executive Summary in the 2020 Impact Fee Update: Public Recreation Facilities, Town of Exeter, New Hampshire dated October 16, 2020 by Bruce Mayberry.

Thank You.



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Date: January 7, 2021
To: Planning Board
From: Dave Sharples, Town Planner
Re: Floodplain Development Ordinance Zoning Amendment

I am moving ahead with the amendments to our Floodplain Development Ordinance and Site Review and Subdivision Regulations as requested by the NH Office of Strategic Initiatives (OSI) and outlined in the enclosed document. At Their January 4, 2021 meeting, the Select Board adopted a resolution that effectively amended the Zoning Ordinance to become up to date with the latest Flood Insurance Rate Maps (FIRM). Now the Planning must amend our site plan and subdivision regulations as well in order for the community to continue to participate in the National Flood Insurance Program.

To this end, I have attached a document from Samara Ebinger that lists the amendments required. These changes are simply limited to deleted "100 year" wherever it appears, adding "current and effective" prior to "Flood Insurance Rate Maps" and deleting "dated May 17, 1982". I believe this amendment will effectively incorporate any future updates to the FIRM panels and will not require additional action by the Planning Board.

After the public hearing and any Board discussion, I would recommend that the Board adopt the motion provided below.

Motion: I move to amend Section 6.6.2.4(v), Section 7.4.18, Section 7.6.13, and Section 7.7.8 of the Exeter Site Plan Review and Subdivision Regulations as presented in the document titled "Amendments to Exeter Subdivision and Site Plan Review Regulations" created by Samara Ebinger from the NH Office of Strategic Initiatives – Floodplain Management Program and dated January 5, 2021.

Thank You.

Enclosures (1)

January 5, 2021

Amendments to Exeter Subdivision and Site Plan Review Regulations

The following amendments are requested to be made to the municipality's subdivision and site plan review regulations in order to bring these regulations into compliance with FEMA's National Flood Insurance Program requirements. These amendments must be adopted and incorporated into the regulations and a certified copy of these amended regulations must be submitted to the below contact person at NHOSI before **no later than two weeks before January 29, 2021**.

Any questions or further assistance, please contact:

Samara Ebinger
NH Office of Strategic Initiatives - Floodplain Management Program
107 Pleasant Street, Johnson Hall 3rd Floor, Concord, NH 03301
samara.ebinger@osi.nh.gov
603-271-1755

Exeter Site and Subdivision Regulations – Amendments Needed

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v) All floodplain information, including contours of the ~~100-year~~ base flood elevation, based upon the current and effective Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, ~~dated May 17, 1982~~.

Commented [GJ1]: Suggest removing date so it doesn't need to be revised each time the map changes.

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7.4.18. All floodplain information, including the contours of the ~~100-year~~ base flood elevation, based upon the current and effective Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, ~~dated May 17, 1982~~.

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7.6.13. All floodplain information, including contours of the ~~100-year~~ base flood elevation, based upon the current and effective Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, ~~dated May 17, 1982~~.

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7.7.8. All floodplain information, including contours of the ~~100-year~~ base flood elevation, based upon the current and effective Flood Insurance Rate Map for Exeter, as prepared by the Federal Emergency Management Agency, ~~dated May 17, 1982~~.