



Town of Amherst, NH

BOARD OF SELECTMEN MEETING MINUTES

Barbara Landry Meeting Room
2 Main Street
Monday, June 15, 2020 6:30PM

The Amherst Board of Selectmen, per NH RSA 41:14-b, hereby announces to the citizens of Amherst the convening of a Public Hearing to take input on the adoption of the proposed Impact Fee Schedule.

Chairman Peter Lyon called the meeting to order at 6:30 p.m.

Attendees by Zoom conference call: Chairman Peter Lyon, Selectman Dwight Brew, Selectman Reed Panasiti, Selectman John D'Angelo, and Selectman Tom Grella. Also, present: Town Administrator Dean Shankle, Minute taker Kristan Patenaude.

Other attendees and the public accessed the meeting via Zoom.

Chairman Lyon explained that, pursuant to the State of Emergency declared by the Governor as a result of the COVID19 pandemic and in accordance with his Emergency Order #12, this meeting is authorized to take place electronically. There is no physical location to observe and listen to this meeting. However, in accordance with the Emergency Order, we are:

Utilizing Zoom teleconferencing for this meeting. All members of the Board have the ability to communicate during the meeting through this platform and the public has access to contemporaneously listen and if necessary, participate in the meeting by dialing +1 312 626 6799 and using a webinar ID of 854-1216-4007 or by using the link contained in the agenda posted at amherstnh.gov.

Notice of the meeting and means to access it were previously posted in accordance with law. If anyone has a problem accessing the meeting, please call 603-440-8248 for assistance. In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.

All votes will be taken by roll call and for ease, in alphabetical order. Lastly, the meeting is being recorded and will be replayed on ACATV.

The Board started by taking a roll call vote and stating if they were alone.

Roll call vote: Selectman Brew – present; Selectman D'Angelo – present; Selectman Grella – present; Selectman Panasiti – present; Chairman Lyon – present. All noted themselves as being alone.

38 Chairman Lyon explained that this public hearing is to gather input from the public
39 regarding the implementation of impact fees as part of the town's zoning ordinance. He
40 stated that the Board previously received an impact fee report from Bruce Mayberry and
41 accepted the content of that report at the last meeting. The Board heard three different
42 residential options for assessing the fees and agreed to proceed utilizing the square footage
43 option at this time. The Board also agreed to a residential cap of 3,000ft².

44
45 Town Administrator Shankle explained that he and Bruce Mayberry worked on a one-
46 page summary of the proposed fee schedule, which was posted on the town website and
47 also linked to through the agenda.

48
49 Town Administrator Shankle noted some recommended changes from Bruce Mayberry
50 since the last meeting. He explained that there was a question regarding two different
51 columns in the report for school facilities; one listed as K-8 and one listed as K-12. He
52 explained that the way the impact fee report is currently written, the column will cover all
53 of the school facilities. He also noted some changes to the definitions of the housing types.

54
55 Selectman Brew suggested that the school districts might want the fee schedule broken
56 out with reasonable apportionments.

57
58 In response to a question from Selectman Brew, Town Administrator Shankle explained
59 that the intent of one of the clarifications is that an accessory unit on the side of a house
60 will not count as part of the main square footage of the house, in terms of the 3,000ft² cap.

61
62 Selectman Brew suggested that the housing types be listed out in a more concrete,
63 numerical order, so as not to be confusing.

64
65 Selectman D'Angelo explained that the way the accessory dwelling unit (ADU) section is
66 written seems to be the exact opposite of what the Board discussed last week; that the
67 square footage of an ADU counts towards the total square footage of a unit. He also stated
68 that he believes the impact fee schedule should not apply to affordable housing units, if
69 the intent of affordable housing is to keep the price low for buyers.

70
71 Selectman Panasiti stated he would like to discuss the impact fee schedule not applying to
72 senior housing as well.

73
74 *A MOTION was made by Selectman Panasiti and SECONDED by Selectman D'Angelo to*
75 *enter the public hearing.*

76 *By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella –*
77 *aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.*

78
79 Public Comment:

80 Tom Quinn, 30 Christian Hill Road, stated that he has some concerns regarding the
81 3,000ft² cap. He believes that developers could use the cap to build apartments or larger
82 senior housing developments as a de facto way to not pay impact fees.

84 The Board discussed the wording of the fee schedule and whether it notes that the cap is
85 applied to “each unit” or to “all units.”

86
87 Town Administrator Shankle stated that he could change the wording to “each residential
88 unit.”

89
90 Steve Coughlan, Souhegan School Board member, questioned if the Board has asked the
91 school districts how they would like the fees divided. He believes it is better for the
92 allocation distribution to be worked out before impact fees are collected. He stated that it
93 is important to decide how these funds are allocated between the governing bodies and the
94 taxpayers they represent.

95
96 Town Administrator Shankle stated that he wouldn’t want any of the funds to be tied up
97 so that they can’t be used on projects for either school district, because they are set to only
98 be distributed in a certain way.

99
100 Steve Coughlan stated that he would like to see the procedure written up and agreed to by
101 both parties ahead of time.

102
103 Selectman Brew stated that there are two different sets of taxpayers involved in the two
104 school districts, and that he’d like to make sure that the Amherst impact fees for the
105 Souhegan School District are a source of Amherst revenue only, and do not offset Mont
106 Vernon responsibility.

107
108 In response to a question from Steve Coughlan, Town Administrator Shankle explained
109 that, if there is a project in the works for the school districts and impact fees are assessed
110 that can go towards the project, the Finance Office will use the formula to portion out the
111 correct amount of money to the districts. One district could end up losing money for a
112 project if the funds are portioned out a certain way and only one district is working on
113 projects at a given time. Town Administrator Shankle suggested that the districts should
114 work the split of funds out amongst themselves.

115
116 Kelly Mullin, 48 Christian Hill Road, questioned the 3,000ft² cap.

117
118 Chairman Lyon explained that impact fees will be assessed per residential unit up to the
119 cap of 3,000ft²; any unit that goes over the cap will be assessed up to the maximum fee at
120 3,000ft², depending on the housing type. This was agreed to by the Board because data
121 shows that a house larger than 3,000ft² doesn’t necessarily impact the town any more so
122 than one that is 3,000ft².

123
124 Kelly Mullin stated that she watched the last Board meeting, and that Bruce Mayberry
125 seemed to indicate that he did not encourage any exceptions to different categories of
126 housing (affordable, senior, etc.), and that most towns don’t have these exceptions. She
127 feels that exemptions of this sort may encourage builders to only push through affordable
128 or senior housing developments in order to avoid impact fees. She supports Bruce
129 Mayberry’s comments that no exemptions be applied.

131 Tom Quinn, 30 Christian Hill Road, questioned why there isn't a cap on the low end of a
132 unit's square footage as well. He noted that a small unit might have the same number of
133 residents as a larger unit.

134
135 Chairman Lyon stated that the Board had not discussed that, and that the intention is to
136 make sure that the assessed fees appropriately line up with the impact a development has
137 on the town and schools.

138
139 Town Administrator Shankle explained that the Board could have decided on a per
140 bedroom or per unit impact fee schedule, instead of the square footage schedule, but it was
141 determined that Amherst has a unique situation of differing housing sizes. The advantage
142 of using a square footage schedule is that smaller units will pay a smaller cost.

143
144 Tom Quinn noted that an unintended consequence seems to be that very small and very
145 large units will be encouraged by this type of schedule. The middle-ground for house
146 sizes, in which the majority of people in town live, is not the encouraged method of
147 construction because they have the highest impact fees.

148
149 Town Administrator Shankle stated that the Board of Selectmen will review the schedule
150 each year to look for any of these unintended consequences.

151
152 Tom Quinn noted that, while the town of Milford uses the square footage method, most
153 other towns appear to assess impact fees per unit.

154
155 Town Administrator Shankle explained that house sizes in Amherst vary so widely. It
156 doesn't seem fair for a 4,000ft² unit to pay the same amount in impact fees as a 400ft² unit
157 because the smaller unit would have less impact.

158
159 Tom Quinn noted that the impact from each of those sized houses could be the same to
160 the town though.

161
162 Will Ludt, 3 School Street, questioned the impact fee schedule chart and whether one of
163 the parameters would stay static for a number of years or vary based on economic
164 conditions.

165
166 Chairman Lyon explained that Bruce Mayberry suggested the schedule will be
167 reevaluated regularly, and the town ordinance requires that it at least be reevaluated
168 annually.

169
170 Town Administrator Shankle noted that the following changes will be made to the
171 document: that the fee schedule will read, "...only the first 3,000ft² per dwelling unit..."
172 and that the order of the housing types listed will be changed to a more logical numerical
173 structure.

174
175 *A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti to*
176 *close the public hearing at 7:13pm.*

177 *By roll call vote: Selectman Brew – aye; Selectman D’Angelo – aye; Selectman Grella –*
178 *aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.*

179 Chairman Lyon explained that the Board would now discuss the following items:
180 accessory dwelling units in regard to the 3,000ft² cap, and possible exceptions to senior
181 and affordable housing units.
182

183 Selectman Brew stated that he would also like to discuss the school district split of impact
184 fees. He explained that the Amherst School District and Souhegan School District are two
185 separate legal entities. The SAU itself is not an uber-board on top of the two. He is not
186 interested in the two equal boards fighting over the distribution of money or for the Board
187 of Selectmen to need to arbitrate this. The Souhegan and Amherst districts both have
188 needs and he would like to have information on how they want to divvy up the funds, if at
189 all possible.
190

191 Selectman Brew noted that he wants assurances that impact fees collected in Amherst will
192 be used to offset the burden that otherwise falls to the Amherst taxpayers.
193

194 Selectman D’Angelo explained that deciding how to divvy up the school portions of the
195 impact fees is not included as part of the impact fee schedule. This is part of the
196 distribution policy, but not the fee schedule itself.
197

198 Selectman Brew stated his concerns regarding Steve Coughlan’s indication that in the
199 district’s Articles of Incorporation only tax dollars need to be raised according to the
200 formula, but other funds may be apportioned before deciding on the Amherst/Mont
201 Vernon split of funds.
202

203 Town Administrator Shankle explained that the Finance Department would look at
204 Amherst’s portion of any estimated project costs based on the figures for capital
205 improvement given by the school district. The schools would have to give a breakdown of
206 the project costs and the Finance Department would then only apportion out the Amherst
207 amount.
208

209 In response to a question from Selectman Panasiti, Chairman Lyon explained that this
210 discussion is aimed at making sure that any impact fees distributed for the Souhegan
211 School District would only be used to offset impacts born by Amherst taxpayers. That is
212 the intent of the impact fee structure; this conversation is just to make sure that intent is
213 clear.
214

215 Chairman Lyon asked if the Board was comfortable having impact fees collected on a
216 grade K-8 and 9-12 basis.
217

218 In response to a question from Selectman Panasiti, Town Administrator Shankle explained
219 that the Planning Board will look at the columns in the report to decide what the impact
220 fees apply to in each case. All of the impact fees collected must be set up in different
221 funds for each column listed. Town Administrator Shankle noted that it might be just as
222 confusing to have the K-8 and K-12 split listed because if the Planning Board decides to
223 utilize the K-12 column, the K-8 projects will only have access to a portion of those funds.

224
225 Selectman D'Angelo explained that, if the fee schedule is left as it is now (K-12), and
226 nothing is ever specifically collected for grades 9-12 that no collected impact fees might
227 go to that district at all.

228
229 Selectman Brew noted that two checks are issued, one to each of the school districts, each
230 month from the town.

231
232 Selectman D'Angelo explained that he's not sure that the school districts' input is needed
233 in order to adopt the fee schedule, but that it can rather be incorporated at a later time.

234
235 Selectman Brew stated that he would like to know how the school districts would like the
236 funds split by next Monday's meeting because he wants assurances that the impact fees
237 will only be used to offset Amherst expenses. This information could influence his vote on
238 the fee schedule.

239
240 Town Administrator Shankle stated that he will contact Superintendent Adam Steele to
241 ask the question. He would hate to see the fee schedule held up by this question so that no
242 impact fees are able to be collected for upcoming projects.

243
244 Chairman Lyon read a memo from Bruce Mayberry to the Board dated June 3, 2020;
245 regarding ADU's and the proposed impact fee cap of 3,000ft². It notes that the assessment
246 of impact fees to an ADU will be applied to the net increase of the living area.

247
248 In response to a question from Selectman D'Angelo, Chairman Lyon agreed that a new
249 unit with an ADU would apply towards the cap, and an existing unit with a retrofitted
250 amount of square footage into an ADU would also apply towards the cap.

251
252 Selectman Brew noted that he believes finishing unfinished space in a unit would add
253 square footage to the unit but converting already finished space would be a net zero
254 increase in living area, and thus not incur an impact fee.

255
256 Selectman D'Angelo agreed that an increase in square footage to a unit should incur an
257 impact fee but repurposing existing space should not.

258
259 In response to a question from Selectman Panasiti, Chairman Lyon noted that an ADU
260 doesn't necessarily always include a separate address from the main dwelling unit, and it
261 could potentially add a person/s to the dwelling.

262
263 Selectman D'Angelo noted that some people rent out rooms in their house. This would
264 add a person to the dwelling but not increase the square footage.

265
266 Town Administrator Shankle explained that the assessment of impact fees is kicked off
267 once a building permit is pulled.

268
269 Town Administrator Shankle read from the zoning ordinance F.1.a(iii) – "In the case of
270 development created by a change of use, redevelopment, expansion, or modification of an

existing use, the capital facilities fee shall be based upon the net positive increase in the impact created by the new use as compared to that which was or would have been assessed for the previous use.”

Selectman D’Angelo stated that he interprets that to mean that an additional amount of square footage added to a unit would draw an impact fee, but that a repurposed area would not. Chairman Lyon disagreed.

Chairman Lyon stated that he believes Bruce Mayberry intended that impact fees are to recapture the cost created by building a new unit. There would be no new cap cost if adding, for example, 500 ft² to a unit.

Selectman Brew then questioned why if there was no impact fee for increasing a dwelling from 2,500ft² to 3,000ft² why a new 2,500ft² dwelling was not charged the same impact fee as a 3,000ft² dwelling.

Chairman Lyon stated that he doesn’t want the Board’s desire for this schedule to be perfect ruin the chance for the impact fee schedule to do some good for the town. He requested that Bruce Mayberry come before the Board again to answer certain questions.

Selectman D’Angelo noted that it might be useful to have Planning Board members weigh in as well.

In regard to the possible affordable housing exemption, Selectman D’Angelo noted that a recent NRPC study showed that Amherst is light on senior and affordable housing. If the town wants to incentivize those types of housing, one way might be to waive impact fees. He believes that Bruce Mayberry was speaking generally in regard to not exempting any certain type of housing, without knowing that Amherst is light on these two types. While some residents may not want these types of housing developments, he believes that importance is in identifying the types of housing the town needs and trying to make sure that it sought.

Chairman Lyon read a statement from Bruce Mayberry. Chairman Lyon explained that he believes Bruce Mayberry sees impact fees as part of the cost of doing business for developers. Other suppliers and contractors in the building realm don’t reduce their costs for different types of housing.

Selectman Panasiti stated that he would like to reach out to the state and the Municipal and County Government Committee to hear their views.

Selectman Brew explained that an impact fee of \$4,000 to \$6,000 added on top of an affordable home costing \$250,000 and financed over 15 or 30 years would change the monthly payment by 2% or 3%. He believes that the impact to the town should be identified for each development and then fees should be collected on that impact. Impact fees should not be used to encourage or facilitate any particular type of housing.

Selectman Panasiti noted that he agrees with what Selectman D'Angelo said for affordable housing, but in terms of senior housing. He will research this at the state level and discuss it with other towns too.

A MOTION was made by Selectman Grella and SECONDED by Selectman Brew to refer the impact fee report to the Planning Board for its comments and then receive it back to the Board of Selectmen.

By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.

Town Administrator Shankle agreed that he would send this document to the Planning Board, including the two small changes mentioned earlier this evening, for its review. He will also try to get information from the schools regarding the potential split of funds between the districts.

A MOTION was made by Selectman D'Angelo and SECONDED by Selectman Panasiti to adjourn the meeting at 8:00pm.

By roll call vote: Selectman Brew – aye; Selectman D'Angelo – aye; Selectman Grella – aye; Selectman Panasiti – aye; Chairman Lyon – aye. Motion carried unanimously.

NEXT MEETING: Monday, June 22, 2020

SIGNATURE ON FILE

07.13.2020

Selectman Reed Panasiti

Date