



Specific impact fees OK'd for new homes, businesses in Windham

By Terry Date
Staff writer

—

WINDHAM — Public safety impact fees inspired strong feelings on both sides of the fence last night, with the main arguments centered on whether fees are fair and if they deter economic development.

Ultimately, in a 5-2 vote, the Planning Board adopted fees for new home and business construction to help pay for future police and fire facilities.

Supporters on the board said the methodology for the police and fire impact fees would withstand legal challenges and not deter economic development.

Board member Ross McLeod cited a Brookings Institute report that he said showed impact fees had no adverse effect on development.

"They add predictability and put costs where they belong," he said.

Impact fee consultant Bruce Mayberry of Yarmouth, Maine, said the fees are typically charged in towns with population growth and that it would likely take place regardless of whether they had impact fees.

On the other hand, resident Charles McMahon, a state representative, condemned the "moral turpitude of the town making this abuse larger than it already is."

McMahon was referring to the town adopting fees for the impact on police and fire services in addition to those already in place for schools.

Last night's vote gives the town the authority to charge specific amounts for the public safety fees. The town already has an ordinance on the books allowing impact fees.

Resident Chris Nickerson asked the board to give more consideration to whether the anticipated improvements to police and fire facilities are needed, and to look more at their impact on economic development.

Rolf Goodwin, a lawyer representing Nickerson, questioned whether the proposal before the board was in keeping with state law enabling municipalities to assess impact fees.

Specifically, he questioned whether the statute would allow the town to use fees to pay off bond debt on a project or to charge fees for anything but facility costs.

Mayberry said the statute allows towns to recoup capital costs, and communities commonly use money from their fees to make bond payments.

Regarding the use of fees to pay for fire apparatus or furnishings for a police addition, Mayberry said that point is debatable but it depends on the definition of facilities since the statute does not spell that out.

The impact fees adopted vary depending on the type of construction, residential or commercial.

For single-family homes, the police impact fee is \$514 and the fire fee is \$1,107. These will be assessed in addition to the \$3,400 school impact fee for a new home.

For nonresidential construction, the fire fee is an average of 41 cents per square foot and the police fee is an average of 24 cents per square foot.

Voting for impact fees were McLeod, Chairman Ruth Ellen Post, Margaret Crisler, Rick Okerman and Nancy Prendergast. Walter Kolodziej and Phil LoChiatto voted in opposition. Board member Pam Skinner was not present.

Copyright © 1999-2006 cnhi, inc.