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Article published Oct 23, 2007

Rochester Planning Board proposes fee structure for future growth

ROCHESTER — The Planning Board could adopt a set of impact fees before the end of the year if it follows a schedule outlined Monday night, when officials reviewed a consultant's updated proposal.

The board has to sort out technical aspects and determine what it wants the city's fee menu to look like. The consultant is proposing fees to help pay for schools, public safety and municipal buildings.

The fees would go to a new middle school or other school expansion projects, to recoup the city's investment in building "reserve capacity" at the new police station, an expanded police vehicle fleet, a future North End fire station, an expanded City Hall and, possibly, recoupment of investment at the public library.

Discussion picks up again Nov. 5, with public hearings scheduled for Nov. 19 and Dec. 3, when a decision could be made. If not, action will move to later that month, according to board Chair Terry Desjardins.

Much of the school costs would be attributed to the construction of a new middle school, but Ward 1 Councilor Ray Varney, a board member, said there needs to be certainty the fees are being assessed for something that will actually happen.

"We're nowhere near building a middle school," he said.

Monday's presentation before the board and the City Council's Codes and Ordinances Committee picked up on a discussion in June, when board members first learned the fees could tack on several thousand dollars to new homes.

Planning consultant Bruce Mayberry outlined two, formulaic-based fee schedule options from which board members can create a system. They are intended to align population growth with anticipated infrastructure improvements. Here are the fee ranges, which can be modified, for various types of development:

Single-family homes: \$4,858 to \$5,857; Townhouses: \$2,027 to \$2,180; two-unit structures: \$4,922 to \$4,519; multifamily structures: \$3,163 to \$3,201; Manufactured housing: \$3,199 to \$3,841.

Mayberry confirmed the fees would be equally assessed to existing lots of record versus recently subdivided lots.

That means a homeowner who pulls a building permit for his or her "elderly mother," as put

by board member Tim Fontneau, would have to pay the same per-dwelling fee as a developer building 20 lots. After the meeting, Fontneau said he wasn't sure that set up is fair and equitable.

The board will have the ability to provide partial or entire fee waivers.

The proposed fee system includes per-square-foot non-residential costs, but it does not outline specific fees for commercial growth. Desjardins said that's something that needs to be discussed at the next meeting. She said commercial development does not stress fire and police resources the same as residential development.

The city already has an ordinance allowing impact fees, as prescribed by state law, but it doesn't have a fee system. The fees differ from the exactions sometimes sought by the board in that the fees are to support communitywide infrastructure — not just improvements geographically associated with new development.

One of the board's tasks will be to define "substantial development," a key phrase laid out in law that deals with a four-year exemption to fee changes

If developers complete such development in the first 12 months, they are exempt from fee changes for four years. They would still automatically be subject to changes — whether the fees rise or drop — after the four years.

On the other hand, if developers did not complete such development within the first 12 months, they would no longer be able to pay the fees existing at the time of their project approval when they begin construction.

The city would need to spend or commit to spend the collected fees on projects triggering the costs within six years of collection.

In the past, impact fee critics have questioned whether the system would unintentionally slow growth. Deputy Mayor Elaine Lauterborn, who chairs the committee, said she didn't fear that.

Planning Director Kenn Ortmann said a new computer system will help administer the fees, something officials have described as challenging considering one project could have numerous fees depending on when homes are built.