



**Working as the
Regional Planning
Commission and
MPO for the
Southern New
Hampshire Region**

Overview and Comparison of Impact Fee Ordinances

for the

Southern NH Planning Commission Region



SNHPC

Overview and Comparison of Impact Fee Ordinances

for the

Southern NH Planning
Commission Region

September 2005



SNHPC

438 Dubuque Street
Manchester, NH

Prepared by the

Southern New Hampshire Planning Commission



Overview and Comparison of Impact Fee Ordinances

Southern New Hampshire Planning Commission
438 Dubuque Street, Manchester, New Hampshire 03102-3546

OFFICERS

Michael N. Jolin, Chairman
Raymond P. Clement, Vice-Chairman
Jean G. Methot, Treasurer
Harold "Bo" Strong, Secretary

BOARD OF COMMISSIONERS

Charles M. Worster, Town of Auburn
James Fusco, Town of Auburn
Donald Marzloff - Alt., Town of Auburn
David J. Danielson, Town of Bedford
Edward P. Moran, Jr., Town of Bedford
Harold Newberry, Town of Bedford
Laurel Radke - Alt., Town of Bedford
William Stergios, Town of Candia
Elizabeth Kruse, Town of Candia
Albert W. Hamel, Town of Chester
Frederick J. McGarry, Town of Deerfield
George H. Thompson, Town of Deerfield
Brian Chirichiello, Town of Derry
David Gomez, Town of Derry
Jack Dowd - Alt., Town of Derry
Beverly Ferrante - Alt., Town of Derry

Arthur W. Rose, Town of Goffstown
Robert L. Wheeler, Town of Goffstown
Henry C. Boyle, Town of Goffstown
Barbara J. Griffin - Alt., Town of Goffstown
Richard G. Marshall, Town of Hooksett
Sharon M. Carson, Town of Londonderry
Daniel J. DeBaie, Town of Londonderry
Arthur E. Rugg, Town of Londonderry
Henry R. Thibault, City of Manchester
Peter Capano, City of Manchester
David P. O'Neil, City of Manchester
Harold R. Wood, Jr., Town of Raymond
John F. Page, Sr., Town of Raymond
Richard Ladd, Town of Raymond
Paul Morin, Town of Weare
Tim Galvin, Town of Weare

STAFF ROSTER

David J. Preece, AICP, Executive Director
Timothy White, AICP, Senior Transportation Planner
Jack Munn, AICP, Senior Planner
Jennifer Czysz, Planner
Rajeshwar Reddy Kambalapally, Transportation Planner/Engineer
Andrew J. Bergang, Transportation Planner
Reddy Asi, GIS Analyst
Pamela H. Garrity, Planning Technician
Rosalind J. Knouse, Office Administrator
B Jennifer Lemieux, Planning Intern
Haley Peckett, Planning Intern
Robert Price, Planning Intern



Section 1 - Overview of Impact Fees

There are a total of seven municipalities within the Southern New Hampshire Planning Commission Region that have adopted impact fee ordinances at one time or another, pursuant to the authority granted under RSA 674:21, Innovative Land Use Controls. These municipalities are:

Town of Bedford	Town of Deerfield
Town of Goffstown	Town of Hooksett
Town of Londonderry	City of Manchester
Town of Raymond	

Copies of these impact fee ordinances are attached to this report.

The Impact Fees Concept

Impact fees are charges assessed by a municipality against new development to generate revenue for the construction or expansion of capital facilities (roads, schools, fire and police protection, water and sewer, etc.) required to serve that development.¹ Local governments have discovered that impact fees provide a way to shift the burden of paying for new or expanded facilities from existing development to new development. In short, impact fees are used to help communities cope with and accommodate growth.

Impact fees cannot be used for the operation, maintenance, repair, alteration, or replacement of capital facilities.² They can only be used to finance new facilities or to expand and enlarge existing facilities which are sub-standard or under-capacity due to growth. Their use prevents the costs associated with new development from being borne by residents who are currently paying for existing facilities, and requires new development to pay its proportionate share of the additional costs. Although the assessment of impact fees enables municipalities to raise revenue to supplement (not replace) property taxes, the objective of impact fees is not to raise money. Rather, the objective is to ensure adequate public facilities.

¹ Nicholas, Nelson & Juergensmeyer, *A Practitioner's Guide to Development Impact Fees*, Planners Press, Chicago, 1991, page 1.

² *Ibid.*, page 1.

Impact fees are generally imposed as a condition for approval in order to proceed with development.³ Thus, they are considered to be a land development regulation as contrasted with revenue-raising (taxation) programs. The adequacy of capital facilities, one of the basic tenants of the regulation of land development, is critically important. Where capital facilities are inadequate, permitting development is contrary to the responsibility of local governments to protect the public health, safety and welfare.

Impact fees, however, are not a panacea for generating alternative sources of funds to finance capital projects. The imposition of impact fees upon an unwilling community can be harmful; local government must be cautious and deliberate in establishing their need and purpose.

An impact fee ordinance is a complex regulatory tool and it must be legally defensible in court. Impact fees also place extra administrative and accounting burdens on local government. They can also effectively obligate a municipality to future capital improvements, which the municipality may not be ready to construct. Additionally, impact fees are perceived to be 'anti-business' and to drive up the cost of housing.

Significantly, even without an impact fee ordinance, local planning boards in New Hampshire have the authority to charge for any development that will require additional off-site capital improvements on behalf of the municipality (See Barton L. Mayer's article, *Legal Aspects of Impact Fee Requirements and Premature or Scattered Development*). The rationale for imposing off-site improvements or "exactions" is not to transfer all costs of development from municipalities to private developers, but rather to require developers to bear their fair share of off-site improvement costs related to their development plans (Mayer, page 6).

Similarly, impact fees address the costs of growth through the assessment of fees upon development for the costs of municipal capital improvements that are the result of new development. In reality, impact fees are conceptually and functionally the same as the dedications (fees in lieu of) and off-site "exactions" authorized by State statute as part of the subdivision or site plan review process. However, an impact fee ordinance has specific advantages since it applies to all development. For example, planning boards have been reluctant to charge a developer of a large subdivision the impact fee for schools if a similar fee has not also been assessed on scattered single-family homes. Since it applies to all development, it is generally perceived to be more fair.

³ Ibid., page 3.



Additionally, impact fees are predictable and easier to assess. The actual fees are known in advance of development because the fees must be based on projected improvements as described in the capital improvement program (CIP). A properly created impact fee ordinance begins with a good master plan backed up by an equally good CIP.⁴

Before an impact fee ordinance can be adopted, however, a schedule of impact fees must be developed. The schedule of fees charged must relate to the cost for a new capital facility improvement that is in fact needed because of new growth and development and this capital improvement must benefit directly the payer of the fee. The fee must also incorporate the capital costs that have been previously paid by users as distinct from the property tax payer.

For example, the portion of the capital costs for a municipal water system that have been paid by the water users may be incorporated into the fee, but not the portion covered by grant funds or the ad valorem property tax. Additionally, a community can develop an impact fee based on future capital improvements to its schools that will be necessary as the result of an increased school population, but cannot incorporate into this fee the capital costs already covered by the property tax. Much of a fee hinges on the cost of estimated future capital improvements and must be based on a sound CIP. An impact fee is analogous to what an investor would expect to pay to acquire a share of an existing business.

Furthermore, a municipality cannot adopt an “all inclusive” impact fee ordinance for specific capital facilities and then incorporate a separate fee schedule by reference. The impact fee ordinance and fee schedule must be adopted concurrently. As an alternative, municipalities may adopt a separate impact fee ordinance for each type of capital improvement needed (i.e., water, wastewater, roads, schools, recreation, etc.) provided a fee schedule is included. Regardless which choice is made, to adopt impact fees, municipalities must follow the requirements and procedures outline by state law for amending a zoning ordinance.

State Law

In 1991, the State of New Hampshire enacted specific impact fee legislation that grants local government the authority to establish an impact fee ordinance as an innovate land use control (see RSA 674:21 V). As described by state statute an “impact fee” is:

⁴ Ibid., page 4.

“A fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by that development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality’s proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreational facilities not including public open space.”

In addition, there are many provisions in existing New Hampshire planning and land use laws which are logically consistent with the assessment of impact fees. Specifically, the authority by which municipalities may require new development to share in the cost of off-site improvements is contained in RSA 674:36 (re: Subdivision Regulations), RSA 674:43 and 674:44 (re: Site Plan Review Regulations). Court decisions that also support the imposition of impact fees include:

1. Land/Vest Properties, Inc. v. Town of Plainfield, 117 NH 817 (1977): Established that the amount which a subdivider is required to pay for off-site improvements must bear a “rationale nexus” to the needs created by, and benefits conferred upon, the subdivision.
2. New England Brickmaster, Inc. v. Town of Salem, 133 NH 655 (1990): Affirmed the authority of planning boards’ to promulgate regulations which allow for the conditional approval of a site plan by requiring an applicant to contribute funds to the construction of off-site improvements bearing a rational nexus to the development.
3. Simonsen v. Town of Derry, 145 NH 382, 765 A.2d 1033 (2000). Because the town had not enacted an impact fee ordinance, it lacked authority to condition site plan approval on zoning applicants’ payment for off-site improvements.



4. Monahan Portion Props. v. Town of Hudson, 148 NH 769, 813 A.2d. 523 (2002). Supreme court reversed a judgment that held the town could not impose both impact fee and growth management ordinances on housing developer; under RSA 674:21(V)(h) the growth management ordinance could be imposed since the impact fee had been neither paid nor assessed; neither the town's preliminary estimate of the impact fee nor its receiving an application in which fees were represented constituted a RSA 674:21 (V)(h) assessment.

The most important legal principles affecting the development of a defensible impact fee ordinance are proportionality, rationality, and equitability. Impact fees must: (1) reflect the proportionate share of required improvements; (2) be based on a rational formula or calculation methodology; and, (3) be equitably enforced.

Generally, the Courts have upheld the imposition of fees where there exists a **rational nexus** between the fees collected, the cost of required improvements, and the benefits accruing to the fee payer (see for example, Banberry Development Corporation v. South Jordan City, 631 P.2d. 608 [1965], and Contractors and Builders Associates of Pinellas County v. City of Dunedin, 329 So. 2nd 314 [Fl 1976]. cert denied 444 U.S. 867 [1979]).

Impact Fee Requirements

Under New Hampshire state law, impact fees may be imposed on development to provide for the construction or improvement of the following facilities:

- Water treatment and distribution
- Wastewater treatment and disposal
- Sanitary sewers
- Storm water drainage and flood control facilities
- Public road systems and rights-of-way
- Municipal office facilities
- Public school
- Solid waste collection
- Transfer, recycling, processing and disposal facilities
- Public library
- Recreation (not including public open space)

State laws guiding the development of impact fees under RSA 674:21 are very specific. These rules are outlined below. It should be noted that these rules now apply to all impact fee ordinances developed after July 1, 1993. This was done to afford municipalities with existing impact fees a full town meeting

cycle to make necessary amendments to their ordinances.

No later than July 1, 1993, all impact fee ordinances shall be subject to the following:

(a) The amount of any such fee shall be a proportional share of municipal capital improvement costs, which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee. Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

(b) In order for a municipality to adopt an impact fee ordinance, it must have enacted a capital improvements program pursuant to RSA 674:5-7.

(c) An impact fee shall be accounted for separately, shall be segregated from the municipality's general fund, may be spent upon order of the municipal governing body, shall be exempt from all provisions of RSA 32 relative to limitation and expenditure of town monies, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs which the fee was collected to meet.

[Subparagraph (d) effective until June 1, 2005; see also subparagraph (d) set out below]

(d) All impact fees imposed to this section shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development. In the interim between assessment and collection, municipalities may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of assessed impact fees. Impact fees shall normally be collected as a condition for the issuance of a certificate of occupancy. The above notwithstanding, in projects where off-site improvements are to be constructed simultaneously with a project's development, and where a municipality has appropriated the necessary funds to cover such portions of the work for which it will be responsible, that municipality and the assessed party from establishing an alternate, mutually acceptable schedule of payment.

[Subparagraph (d) effective June 1, 2005; see also subparagraph (d) set out above]



(d) All impact fees imposed pursuant to this section shall be assessed at the time of planning board approval of a subdivision plat or site plan. When no planning board approval is required, or has been made prior to the adoption or amendment of the impact fee ordinance, impact fees shall be assessed prior to, or as condition for, the issuance of a building permit or other appropriate permission to proceed with development. Impact fees shall be intended to reflect the effect of development upon municipal facilities at the time of the issuance of the building permit. Impact fees shall be collected at the time a certificate of occupancy is issued. If no certificate of occupancy is required, impact fees shall be collected when the development is ready for its intended use. Nothing in this subparagraph shall prevent the municipality and the assessed party from establishing an alternate, mutually acceptable schedule of payment of impact fees in effect at the time of subdivision plat or site plan approval by the planning board. If an alternate schedule of payment is established, municipalities may require developers to post bonds, issue letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of the assessed impact fees.

(e) The ordinance shall establish reasonable times after which any portion of an impact fee which has not become encumbered or otherwise legally bound to be spent for the purpose for which it was collected shall be refunded, with any accrued interest. Whenever the calculation of an impact fee has been predicated upon some portion of capital improvement costs being borne by the municipality, a refund shall be made upon the failure of the legislative body to appropriate the municipality's share of the capital improvement costs within a reasonable time. The maximum time, which shall be considered reasonable hereunder shall be 6 years.

(f) Unless otherwise specified in the ordinance, any decision under an impact fee ordinance may be appealed in the same manner provided by statute for appeals from the officer or board making that decision, as set forth in RSA 676:5, RSA 677:2-14, or RSA 677:15, respectively.

(g) The ordinance may also provide for a waiver process, including the criteria for the granting of such a waiver.

(h) The adoption of a growth management limitation or moratorium by a municipality shall not affect any development with respect to which an impact fee has been paid or assessed as part of the approval for that development.

(i) Neither the adoption of an impact fee ordinance, nor the failure to adopt such an ordinance, shall be deemed to affect existing authority of a planning board over subdivision or site plan review, except to the extent expressly stated in such ordinance.

(j) The failure to adopt an impact fee ordinance shall not preclude a municipality from requiring developers to pay an exaction for the cost of off-site improvement needs determined by the planning board to be necessary for the occupancy of any portion of a development. For the purposes of this subparagraph, “off-site improvements” means those improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision plat or site plan approval by the planning board. Such off-site improvements shall be limited to any necessary highway, drainage, and sewer and water upgrade pertinent to that development. The amount of any such exaction shall be a proportional share of municipal improvement costs not previously assessed against other developments, which is necessitated by the development from the improvements financed by the exaction. As an alternative to paying an exaction, the developer may elect to construct the necessary improvements, subject to bonding and timing conditions as may be reasonably required by the planning board approval of the development necessitating an off-site improvement. Whenever the calculation of an exaction for an off-site improvement has been predicated upon some portion of the cost of that improvement being borne by the municipality, a refund of any collected exaction shall be made to the payor or payor’s successor in interest upon the failure of the local legislative body to appropriate the municipality’s share of that cost within 6 years from the date of collection. For the purposes of this subparagraph, failure of local legislative body to appropriate such funding or to construct any necessary off-site improvement shall not operate to prohibit an otherwise approved development.



Subparagrah (d)

Effective June 1, 2005 all impact fees imposed by a municipality must be assessed at the time of planning board approval of a site plan or subdivision. If the board does not require plan approval, the fees may be assessed prior to or as a condition for the issuance of a building permit. The assessment of and collection of impact fees are two entirely different processes.

In most cases, impact fees are not collected until the issuance of a certificate of occupancy unless a certificate of occupancy is not required and other arrangements have been made. This is the typical form of payment unless an alternative schedule and appropriate security is provided to guarantee future payment. Note that impact fees are supposed to reflect the development's cost to the municipality at the time of occupancy. Development is afforded protection against changes to most local land use regulations for a period of four years, if "active and substantial development or building" occurs in the first year, as defined by the planning board as part of its approval or as part of its regulations. Therefore, even if changes are made to an impact fee ordinance, such developments will not be subject to those changes until after four years from the date of approval. After that, those developments will be required to meet the terms of the impact fee ordinance that is in effect at the time of the issuance of the building permit.

Pointers For Addressing Subparagrah (d)

First, based upon the provisions effective June 1, 2005, municipalities should assess impact fees at the time of plan approval. This is the amount that will be collected during the ensuing four years, if the development is completed during that period. If the development remains incomplete after four years from the date of approval, the development may be affected by changes to the impact fee ordinances. For example, after four years from the date of approval, if some units in a residential development remain un-built, the impact fees for those units may be reassessed at the time the building permits for those units are issued. If building permits expire, then there may be an opportunity for impact fee reassessment at the time of permit renewal.

Second, it is important to recognize the difference between commercial site plans and residential developments. A site plan may have a single building permit for a large project, but that project may take a period of years to complete. In such cases, the planning board may wish to agree to an alternative schedule for payment of impact fees, so that the developer will be able to rely on some predictability of impact fee assessment, rather than risk a dramatic increase if the building permit needs to be renewed. Alternatively, residential developments can be more flexibly prepared to account for variations in impact fee assessments over time.

Comparison of the Region's Impact Fee Ordinances (IFOs)

Impact Fee Ordinances (IFOs) can be compared in a variety of ways, including how restrictive and effective the ordinance and the fees are, the type of legal challenges that have been brought against the ordinance as well as the uniqueness of the methodologies used to calculate the fees. However, for the purpose of this report, a brief description of each of the seven impact fee ordinances (IFOs) within the Southern NH Planning Commission Region is provided. In addition, a spreadsheet is attached that includes all the main elements found within each ordinance.

Town of Bedford

The Town of Bedford's IFO was adopted as part of the Town's Zoning Ordinance and made effective in 1993. The ordinance was last updated in 2001. The Town's CIP was last updated in September 2004. Fees are assessed either at the time of planning board approval for a subdivision or site plan, or prior to the issuance of a building permit for the following facilities: sanitary sewers; storm water drainage & flood control facilities; public road systems & rights-of-way; municipal office facilities; public school facilities; public safety facilities; solid waste collection; capital facilities of a co-operational or regional school district; wastewater treatment and disposal facilities; and water treatment and distribution facilities. Fees are collected before the issuance of a certificate of occupancy, or in the event that one is not required, collection will be at the time a development is ready for intended use. Waivers are granted whenever it can be shown that reduced impact or no new impact will be created due to mitigating circumstances.

Town of Deerfield

The Town of Deerfield's IFO was adopted as part of the Town's Zoning Ordinance and made effective on January 12, 1994. It was last updated in 1995. The Town's CIP was last updated in November 2004. Fees are assessed prior to the issuance of a building permit for capital facilities, highway, school and solid waste. Fees are collected prior to the issuance of a certificate of occupancy. Waivers are granted for the payment of fees for schools if the person undertaking the new development can show all or a portion of occupancy will be age 62 and over, and such restrictions will be maintained for at least 20 years.



Town of Goffstown

The Town of Goffstown's IFO was adopted on March 13, 2001 as part of the Town's Zoning Ordinance. The ordinance became effective on the same date and it has not been updated yet. The next update of the Town's CIP is due in October 2005. Fees are assessed at the time of Planning Board approval of a subdivision or site plan. Fees are collected before the issuance of a certificate of occupancy for virtually every type of public facility provided for under state law which include: municipal office facilities; public library facilities; public recreation facilities (not including open space); public road systems and rights-of-way; public safety facilities; public school facilities; sanitary sewer facilities; solid waste and recycling facilities; storm water facilities; wastewater treatment and disposal facilities; and water treatment and distribution facilities. Waivers are granted from the payment of impact fees for school facilities housing for older persons defined by RSA 354-A: 15. In lieu of cash payment, the town planning board will also accept a proposed contribution of real property or facility improvements of equal value and utility to the public. In addition, where the planning board finds the subject property has previously been assessed for its proportionate share of public capital facility impacts, or has contributed payments, or has constructed capital facility or capital improvements equal in value to the waived fee, it will waive the fee.

Town of Hooksett

The of Town of Hooksett's IFO was adopted in May 2001 as part of the Town's Zoning Ordinance. The ordinance went into effect at the same time. It was last updated in October 2002. The Town's CIP was last updated in 2005. Fees are assessed for schools, public safety and recreation prior to the issuance of a building permit. The fees are collected before the issuance of a certificate of occupancy. Waivers are granted for the payment of fees for schools for residential units which lawfully restricted occupancy to persons age 62 years or older for a period of 20 years. Also, in lieu of a cash payment, the planning board may accept a proposed contribution of real property or facility improvements of equivalent value and utility to the public.

Town of Londonderry

The of Town of Londonderry's IFO was adopted on March 10, 1994 as part of the Town's Zoning Ordinance. The ordinance went into effect the same date. The Town's CIP was last updated on October 13, 2004. Fees are assessed for fire, library, police, recreation, school and roads prior to the issuance of a building permit. Fees are collected before the issuance of a certificate of occupancy. Waivers are granted for the payment of fees for schools for residential developments wherein all or a portion of the resident's age will be restricted to age 55 and older, and such restricted occupancy will be maintained for a period of 20 years. In addition, waivers are granted for the payment of fees for schools in residential developments where all or a portion of occupancy will be restricted to those of low and moderate income, and such restricted occupancy will be maintained for 20 years.

City of Manchester

The City of Manchester's IFO was adopted in 1994. The ordinance went into effect in 1995 and it was last updated September 2004. It was adopted as part of the City's Zoning Ordinance. The City's CIP was last updated on May 17, 2005. Fees are assessed for public facilities, schools, and roads prior to the issuance of a building permit. Fees are collected before the issuance of a certificate of occupancy. Land or other capital facility improvements may be offered by the fee-payer as a partial or total credit toward the impact fee. However, this must be identifiable by dollar value.

Town of Raymond

The Town of Raymond's IFO was adopted at town meeting on January 13, 2005. Raymond's IFO is the most recently adopted IFO within the region. It was adopted as part of the town's zoning ordinance and it went into effect on February 13, 2005. The Town's CIP was last updated in March 2005 and a new update is coming soon. Fees are assessed prior to the issuance of a building permit for virtually every type of public facility provided for under state law which include: water and wastewater treatment facilities; sanitary sewer; storm water; drainage and flood control facilities; public roads; public works equipment and facilities; municipal office structures, equipment and facilities; fire, ambulance and emergency management; police and dispatch equipment and facilities; public school facilities; solid waste and recycling; public library and public recreation. The fees are collected on or before the issuance of a certificate of occupancy. Waivers are granted for school improvements for those developments which exclude school age children within the development in which all or a portion of the residents will be age 62 or older for a period of



20 years, or by discretion of the planning board, for those units in a development that are otherwise restricted to occupancy by older persons in a lawful manner. Waivers are also granted for any residential or non-residential development that was approved for construction prior to the effective date of the ordinance.

Conclusion

In summary, impact fees provide municipalities an important growth management tool. As a result, the development of an impact fee ordinance and fee schedule must be grounded in sound planning and legal principles and must follow the requirements and intent of state law. Otherwise, impact fees, like any other growth management tool, can be open to legal challenges.

Town of Bedford, New Hampshire

Impact Fee Ordinance

(j) Capital Facilities Fees [Added: 3/9/93.] [Amended 3/13/01.]

(1) Purpose

This ordinance is enacted pursuant to RSA 674:21, and in order to:

- Promote the public health, safety and welfare, and prosperity;
- Ensure that adequate and appropriate facilities are available to individuals who may come to be located in the Town of Bedford;
- Prevent scattered or premature development of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
- Provide for the harmonious development of the municipality and its environs;
- Ensure the proper arrangement and coordination of streets; and
- Ensure streets of sufficient width to accommodate existing and prospective traffic.

(2) Definition

Impact Fee means a fee or assessment imposed upon development, including subdivision, building construction, or other land-use change, in order to help meet the needs occasioned by the development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to: water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights -of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public libraries; and public recreation facilities, not including permanently unimproved open space.

(3) Authority to Assess Impact Fees

The Planning Board is hereby authorized to assess impact fees, as herein defined, and in accordance with the standards herein set forth. The Planning Board shall have the authority to adopt regulations to implement the provisions

of this ordinance. Impact fee formulas may be adopted in the Bedford Zoning Ordinance, the Bedford Subdivision Regulations, and/or the Bedford Non-Residential Site Plan Regulations.

(4) Assessment Methodology

- a. The amount of any impact fee shall be a proportional share of municipal capital improvement costs which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee.
- b. Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.
- c. In the case of 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.

(5) Administration of Impact Fees

- a. Each in fact impact fee shall be accounted for separately, shall be segregated from the Town's general fund, may be spent upon order of the governing body, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs for which fees are collected to meet.
- b. 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 of the impact fee ordinance, impact fees shall be assessed prior to, or as a condition for the issuance of a building permit or other appropriate permission to proceed with development. *[Amended: 03/08/05]*.
- c. Impact fees shall be collected at the time a certificate of occupancy is issued. If no certificate of occupancy is required, impact fees shall be collected when the development is ready for its intended use. *[Amended 03/08/05]*.

d. The Town of Bedford and the assessed party may establish an alternate, mutually acceptable schedule of payment of impact fees in effect at the time of subdivision plat or site plan approval by the Planning Board. *[Amended: 03/08/05]*.

e. If an alternate schedule of payment is established, the Town of Bedford may require developers to post bonds, letters of credit, accept liens, or otherwise provide suitable measures of security so as to guarantee future payment of the assessed impact fees. *[Amended: 03/08/05]*.

f. In the event that bonds or other debt instruments have been issued for public capital facilities which were constructed in anticipation of new development, or are issued for advanced provision of capital facilities identified in this Ordinance, capital facilities fees may be used to pay debt service on such bonds or similar debt instruments.

(6) Waiver and Appeal of Fees

a. Any person may request from the Planning Board, a full or partial waiver of capital facilities fee payments required by this Ordinance where it can be shown that reduced impact or no new impact will be created due to mitigating circumstances.

b. On-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, including but not limited to, extension of water and sewer mains or the construction of roads or other infrastructure, which would have to be completed by the developer regardless of the capital facilities fee provisions, shall not be considered eligible for waiver under this Ordinance. Any aggrieved party may appeal any decision under this Capital Facilities Fee Ordinance to the superior court as provided for in NH RSA 677:15/Page 1A (45-03-8DS)

(7) Refund of Fees Paid

Any feepayer shall be entitled to a refund of that fee, plus accrued interest where:

a. The capital facilities fee has not been encumbered or legally bound by the Town Council to be spent for the purpose for which it was collected within a period of six (6) years from the date of the final payment of the fee; or,

b. The Town Council has failed, within the period of six (6) years from the date of the final payment of such fee, to appropriate the non-fee share of related capital improvement costs.

(8) Credits

a. Land for capital facilities and/or public capital facility improvements may be offered by the feepayer as total or partial payment of the required fee. The offer must be determined to represent an identifiable dollar value computed in a manner acceptable to the Planning Board.

b. The Planning Board may authorize to the feepayer a capital facilities fee credit in the amount of the value of the contribution. Any claim for credit must be made no later than the application acceptance and public hearing on the development proposal before the Planning Board. Determinations made by the Planning Board pursuant to the credit provisions of this section may be appealed to the superior court as provided by NH RSA 677:15.

(9) Periodic Review of Fee Schedules

The capital facilities fee schedules found in the Bedford Land Development Control Regulations of this Ordinance shall be reviewed annually by the Planning Board using the methodology established in the schedules. Such review may result in the Planning Board recommending to the Town Council that adjustments be approved in one or more of the fees. Adjustment of the fees shall not be approved more frequently than once per fiscal year. Schedule adjustments to the Recreation Impact Fee or the Kilton Road Impact Fee which would change the methodology prescribed in the Bedford Land Development Control Regulations shall be made only by amendment to this Ordinance.

(10) Applicability

This ordinance shall not be deemed to affect the existing authority of the Planning Board over subdivisions and site plans, including, but not limited to the authority to declare a development to be premature or scattered in accordance with the regulations of the Board and in accordance with RSA 674:36, II(a).

Type of Structure	School Impact Fee (1)	Recreation Impact Fee (2)
Single Family Detached	\$5,684	\$1,024
Townhouse	\$2,185	\$648
Duplex	\$3,408	\$407
Multifamily and Age 55 & over housing	\$1,808	\$407
Manufactured Housing	\$3,213	\$757
Age 62 & over housing, Assisted Living, Nursing homes	\$0	\$0

(1) School impact fee based on "Schedule A" Impact Fee Model contained in the report entitled Impact Fees for Bedford Public School – Models and Options – prepared for Bedford School District, October 12, 2001 by Bruce C. Mayberry, Planning Consultant.

(2) Recreation impact fee based on report entitled Impact Fees for Public Recreation Facilities – Town of Bedford, NH, prepared October 8, 2001 for Town of Bedford, by Bruce C. Mayberry, Planning Consultant.

Town of Deerfield, New Hampshire

Impact Fee Ordinance

Section 708 Impact Fees

708.1 Authority

These provisions are established pursuant to New Hampshire RSA674:21,V.

708.2 Purpose

These provisions are intended to:

- A. Assist in the implementation of the Town of Deerfield Master Plan.
- B. Provide for the public capital facilities necessitated by the growth of the Town of Deerfield; and
- C. Assess an equitable share of the growth-related cost of new and expanded public capital facilities to all types of new development in proportion to the facility demands created by that development.

708.3 Findings

The Deerfield Planning Board has made the following findings based on expensive consultation with all municipal departments, and careful study of municipal public capital facility needs.

- A. The Deerfield Planning Board adopted a Master Plan on August 18, 1987.
- B. The Deerfield Planning Board has prepared, and regularly updated a Capital Improvements Program and Budget as authorized by the Deerfield Town Meeting of March 15, 1986.
- C. The Master Plan and the Capital Improvements Program demonstrate that significant new growth and development is anticipated in residential and non-residential sectors which will necessitate increased public expenditures to provide adequate public facilities.

D. The Town of Deerfield is responsible for and committed to the provision of public facilities and services at standards determined to be necessary by the Town to support residential and non-residential growth and development in a manner which protects and promotes the public health, safety and welfare.

E. The costs of providing public capital facility capacity to serve new growth will be disproportionately borne by existing taxpayers in the absence of impact fee assessments.

F. The calculation methodology for impact fees, as established by a report by the Planning Board entitled "Development of Impact Fee Assessment Schedules: Town of Deerfield," represents a fair and rational method for the allocation of growth related capital facility costs to new development.

Based on this methodology, impact fees will not exceed the costs of:

(1) Providing additional public capital facilities necessitated by the new developments paying impact fees; or

(2) Compensating the Town of Deerfield for expenditures made for existing public facilities which were constructed in anticipation of new growth and development.

G. Impact fee payments from new development will enable the Town of Deerfield to provide adequate public facilities to serve new growth, and provide new development with a reasonable benefit in proportion to its contribution to the demand for such facilities.

708.4 Definitions

A. Feepayer. A person applying for the issuance of a building permit, subdivision or site plan approval, special exception, variance of other local land use decision which would create new development.

B. New Development. Any activity which results in:

(1) the creation of a new dwelling unit, except for the replacement of existing units of the same density;

(2) a net increase in the gross floor area of any non-residential building.

(3) the conversion of a legally existing use to another permitted use if such change or use would create a net increase in the demand for additional public capital facilities, as defined by this ordinance.

C. Gross Floor Area. The entire square footage of a building calculated from the dimensional perimeter measurements of the first floor of the building with adjustments to the usable area of other floors made in a manner consistent with Deerfield property assessment procedures.

D. Public Capital Facilities. Facilities and equipment owned, maintained or operated by the Town of Deerfield as defined in the Capital Improvements Program and which are listed in the adopted impact fee schedule.

708.5 Imposition of Public Capital Facilities Impact Fee

A. Any person, who after January 12, 1994 seeks approval of new development within the Town of Deerfield, New Hampshire, is hereby required to pay a public capital facilities impact fee in the manner and amount set forth in Section 708.6 of this Ordinance.

B. A person may request, from the Planning Board, a full or partial waiver of impact fee payments required by this Ordinance. The amount of such waiver shall not exceed the value of land, facilities construction, or other contributions to be made by that person toward public capital facilities. The value of on-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, and which would have to be completed by the developer, regardless of the impact fee provisions, shall not be considered eligible for waiver under this Ordinance.

C. A person undertaking no development for residential use in which all or a portion of its occupancy will be restricted to persons age 62 and over, and where it can be shown to the satisfaction of the Planning Board that such restricted occupancy will be maintained for a period of at least 20 years, may apply for a waiver of the school impact fee for the said restricted occupancy units.

D. No building permit for new development requiring payment of an impact fee pursuant to Section 708.6 of this Ordinance shall be issued until the public capital facilities impact fee hereby required has been determined assessed by the Planning Board.

E. All impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to proceed with development.

F. Between the date of assessment and collection, the Planning Board may require developers to post security, in the form of a cash bond, letter of credit or performance bond so as to guaranty future payment of assessed impact fees.

G. Impact fees shall be collected as a condition for the issuance of a Certificate of Occupancy; provided however, in projects where off-site improvements are to be constructed simultaneously with a project's development, and where the Town has appropriated the necessary funds to cover such portions of the work for which it will be responsible, the Town may advance the time of collection of the impact fee to the issuance of a building permit

H. The Planning Board and the assessed party may establish an alternate, mutually acceptable schedule of payment of impact fees.

708.6 Computation of Impact Fee

A. The amount of the public capital facilities impact fee shall be determined by an Impact Fee Schedule prepared in accordance with the methodology established in a report by the Planning Board entitled "Impact Fee Analysis: Town of Deerfield," and adopted by the Board of Selectmen.

B. In the case of new development created by a change of use, redevelopment, or expansion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to that which was or would have been assessed for the previous use.

708.7 Payment of Fees

No certificate of occupancy shall be issued for new development until the assessed impact fee has been paid, or until the fee payer has established a mutually acceptable bond guaranteeing such payment, with the Board of Selectmen.

708.8 Appeals

A. Any aggrieved party may appeal to the Zoning Board of Adjustment the amount of the public facilities impact fee.

B. If a fee payer elects to appeal the amount of the impact fee, the fee payer shall prepare and submit to the Zoning Board an independent fee calculation study for the new development activity which is proposed. All costs incurred by the Town for the review of such study shall be paid by the fee payer.

708.9 Administration of Funds Collected

A. All funds collected shall be properly identified and promptly transferred for deposit in individual Public Capital Facilities Impact Fee Accounts for each of the facilities for which fees are assessed, and shall be used solely for the purposes specified in this Ordinance. Impact Fee accounts shall be special revenue fund accounts and under no circumstances shall such revenue accrue to the General Fund.

B. The Town Treasurer shall have custody of all fee accounts, and shall pay out the same only upon written orders of the Board of Selectmen.

C. The Town Treasurer shall record all fees paid, by date of payment and the name of the person making payments, and shall maintain an updated record of the current ownership, tax map and lot reference number of properties for which fees have been paid under this Ordinance for a period of at least years.

D. At the end of each fiscal year, the Town Treasurer shall make a report to the Board of Selectmen, giving a particular account of all public capital facilities impact fee transaction during the year.

E. Funds withdrawn from the Public Capital Facilities Impact Fee Accounts shall be used solely for the purpose of acquiring, constructing, expanding or equipping those public capital facilities identified in this Ordinance.

F. In the event that bonds or similar debt instruments have been issued for public capital facilities which were constructed in anticipation of new development, or are issued for advance provision of capital facilities identified in this Ordinance, impact fees may be used to pay debt service on such bonds or similar debt instruments.

708.10 Refund of Fees Paid

A. 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) 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 the date of the final payment of the fee; or

(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 share of related capital improvement costs.

708.11 Credits

A. Land and/or public capital facility improvements may be offered by the feepayer as total or partial payment of the required impact fee. The offer must be determined to represent an identifiable dollar value computed in a manner acceptable to the Board of Selectmen. The Board of Selectmen may authorize the feepayer an impact fee credit in the amount of the amount of the value of the contribution.

B. Any claim for credit must be made no later than the time application for the building permit is made.

C. Credits shall not be transferable from one project or development to another without the written approval of the Board of Selectmen.

D. Credits shall not be transferable from one component of the public capital facilities impact fee to any other component of this fee.

E. Determinations made by the Board of Selectmen pursuant to the credit provisions of this section may be appealed to the Zoning Board of Adjustment.

708.12 Additional Assessments

Payment of public capital facilities impact fee does not restrict the Town or the Planning Board in requiring other payments from the feepayer, including such payments relating to the cost of the extensions of water and sewer mains or the construction of roads or streets or other infrastructure and facilities specifically benefitting the

or other infrastructure development as required by the subdivision or site plan review regulations.

708.13 Premature and Scattered Development

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

708.14 Review

The Impact Fee Assessment Schedule shall be reviewed annually by the Planning Board, using the methodology established in the report "Development of Impact Fee Assessment Schedules: Town of Deerfield." Such review may result in recommended adjustments in one or more of the fees based on the most recent data as may be available from the Bureau of the Census, local property assessment records, market data reflecting interest and discount rates, current construction cost information for public capital facilities, etc. Adjustments shall be approved by the Board of Selectmen no more frequently than annually, based on such data. Schedule adjustments which would change the methodology shall be made by the Planning Board.

Town of Goffstown, New Hampshire Impact Fee Ordinance

Section 15 - IMPACT FEES FOR PUBLIC CAPITAL FACILITIES

15.1 Authority and Applicability

15.1.1 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 Goffstown or the Goffstown School District.

15.1.2 The public facilities for which impact fees may be assessed in Goffstown 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 rights-of-way; municipal office facilities; public school facilities; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; and public recreation facilities not including public open space.

15.1.3 Prior to assessing an impact fee for one or more of the public facilities enumerated above, the Planning Board shall have adopted 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.

15.1.4 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.

15.1.5 Impact fees shall be in addition to off-site extractions, per RSA 674:21,V(j), for necessary highway, drainage and sewer and water upgrades necessitated by the development.

15.2 Findings - The Town of Goffstown hereby finds that:

15.2.1 The Town of Goffstown is responsible for and committed to the provision of public 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;

15.2.2 Capital facilities have been and will be provided by the Town utilizing funds allocated through the Capital Improvements Program, which has been adopted and regularly updated by the Planning Board;

15.2.3 An impact fee ordinance for capital facilities is consistent with the goals and objectives of the Master Plan and the Capital Improvements Program of the Town of Goffstown;

15.2.4 New development in Goffstown will create the need for the construction, equipping, or expansion of public capital facilities in order to provide adequate facilities and services for its residents;

15.2.5 Impact fees may be used to assess an equitable share of the growth-related cost of public facility capacity to new development in proportion to the facility demands created by that development;

15.2.6 In the absence of impact fees, anticipated residential and non-residential growth and associated capital improvement costs could necessitate an excessive expenditure of public funds in order to maintain adequate facility standards and to promote and protect the public health, safety, and welfare;

15.2.7 Impact fees assessed pursuant to this Article will not exceed the costs of:

15.2.7.1 Providing additional public capital facilities necessitated by new development in Goffstown; and/or

15.2.7.2 Compensating the town of Goffstown or the Goffstown School District for facility capacity that it provided in anticipation of new development in Goffstown.

15.3 Definitions

15.3.1 Feepayer. The applicant for the issuance of a permit that would create new development as defined in this Article.

15.3.2 Gross Floor Area. The sum of the areas of all floors of main and accessory buildings on the lot as measured to the outside surfaces of the exterior walls. The gross floor area shall include basements, 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

15.3.3 New Development. An activity that results in:

15.3.3.1 The creation of a new dwelling unit or units; or

15.3.3.2 The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of dwelling units; or

15.3.3.2.1 Construction resulting in a net increase in the gross floor area of any non-residential building; or

15.3.3.2.2 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. 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, density or type of use, and where there is no net increase in demand on the capital facilities of the town of Goffstown.

15.4 Computation of Impact Fee

15.4.1 The amount of each impact fee shall be assessed in accordance with written procedures or methodologies adopted and amended by the Planning Board for the purpose of capital facility impact fee assessment in Goffstown. These methodologies shall set forth the assumptions and formulas comprising the basis for impact fee assessment, and shall include documentation of the procedures and calculations used to establish impact fee schedules. The amount of any impact fee shall be computed based on the municipal capital improvement cost of providing adequate facility capacity to serve new development. Such documentation shall be available for public inspection at the Office of the Selectmen of the Town of Goffstown.

15.4.2 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 fee that was, or would have been, assessed for the previous use in existence on or after the effective date of this Article.

15.5 Assessment of Impact Fees

15.5.1 Impact fees shall be assessed on new development to compensate the Town of Goffstown for the proportional share of the public capital facility costs generated by that development. Impact fees shall be assessed at the time of planning board approval of a subdivision or site plan, but such assessments shall be adjusted at time of issuance of building permit to reflect the fee in place at time of issuance of building permit. Where no planning board approval is required, impact fees shall be assessed at time of issuance of building permit.

15.5.2 Any person who seeks a permit for new development, including permits for new or modified service connections to the public water system or public wastewater disposal system that would increase the demand on the capacity of those systems, is hereby required to pay the public capital facility impact fees authorized under this Article in the manner set forth herein, except where all or part of the fees are waived in accordance with the criteria for waivers established in this Article.

15.6 Waivers

15.6.1 The Planning Board may grant full or partial waivers 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.

15.6.2 A person may request a full or partial waiver of school facility impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 62 or over or to households with at least one person age 55 and over as applicable, in a development that is maintained in compliance with the provisions of RSA 354-A:15, Housing For Older Persons. 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.

15.6.3 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. Prior to acting on a request for a waiver of impact fees under this provision that would involve a contribution of real property or the construction of capital facilities, the Planning Board shall submit a copy of the waiver request to the Board of Selectmen for its review and consent prior to its acceptance of the proposed contribution. 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 assessments authorized by this Article.

15.6.4 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 capacity improvements equivalent in value to the dollar amount of the fee(s) waived.

15.6.5 The Planning Board may waive an impact fee assessment where it finds that, due to conditions specific to a development agreement, or other written conditions or lawful restrictions applicable to the subject property, the development will not increase the demand on the capacity of the capital facility or system for which the impact fee is being assessed.

15.6.6 A feepayer may request a full or partial waiver of the amount of the impact fee for a particular development based on the results of an independent study of the demand on capital facility capacity and related costs attributable to that development. In support of such request, the feepayer shall prepare and submit to the Planning Board an independent fee calculation or other relevant study and supporting documentation of the capital facility impact of the proposed development. The independent calculation or study shall set forth the specific reasons for departing from the methodologies and schedules adopted by the Town. The Planning Board shall review such study and render its decision. All costs incurred by the Town for the review of such study, including consultant and counsel fees, shall be paid by the feepayer.

15.7 Payment of Impact Fee

15.7.1 No permit shall be issued for new development as defined in this Article until the impact fee has been assessed by the Building Inspector. The Building Inspector shall not issue a certificate of occupancy for the development on which the fee is assessed until the impact fee has been paid in full, or has been waived by the Planning Board. In the interim between assessment and collection, the Planning Board may authorize another mutually acceptable schedule for payment, or require the deposit of an irrevocable letter of credit or other acceptable performance and payment guarantee with the Town of Goffstown.

15.7.2 Where off-site capital improvements have been constructed, or where such improvements will be constructed simultaneously with new development, and where the Town has appropriated necessary funds to cover such portions of the work for which it will be responsible, the Building Inspector may collect the impact fee for such capital facilities at the time a building permit or a permit to connect to the public water or public wastewater system, is issued.

15.8 Appeals Under this Section

15.8.1 A party aggrieved by a decision made by the Building Inspector pursuant to the assessment or collection of impact fees authorized by this Article may appeal such decision to the Zoning Board of Adjustment as provided by RSA 676:5, as amended;

15.8.2 The decision of the Zoning Board of Adjustment may be appealed to the Superior Court as provided by RSA 677:2-14.

15.8.3 A party aggrieved by a decision of the Planning Board under this Article may appeal such decision to the Hillsborough County Superior Court as provided by RSA 676:5, III and RSA 677:15, as amended.

15.9 Administration of Funds Collected

15.9.1 All funds collected shall be properly identified and promptly transferred for deposit into separate impact fee accounts for each type of public capital facility for which impact fees are assessed. Each impact fee account shall be a non-lapsing special revenue fund account and under no circumstances shall such revenues accrue in the General Fund. The Town Treasurer shall have custody of all accounts, and shall pay out same upon approved vouchers through the accounts payable system.

15.9.2 The Treasurer shall record all fees paid, by date of payment and the name of the person making payment, and shall maintain an updated record of the current ownership and tax map reference number of properties for which fees have been paid under this Article for each permit so affected for a period of at least nine (9) years from the date of receipt of the impact fee payment associated with the issuance of each permit.

15.9.3 Impact fees collected may be spent from time to time by order of the Board of Selectmen and shall be used solely for the reimbursement of the Town or the Goffstown School District in the case of school impact fees, for the cost of the public capital improvements for which they were collected, or to recoup the cost of capital improvements made by the Town or the Goffstown School District in anticipation of the needs for which the impact fee was collected.

15.9.4 In the event that bonds or similar debt instruments have been or will be issued by the Town of Goffstown or the Goffstown School District for the funding of capacity-related improvements, impact fees from the appropriate related capital facility impact fee accounts may be applied to pay debt service on such bonds or similar debt instruments.

15.9.5 At the end of each month, the Treasurer shall make a report giving a particular account of all impact fee transactions during that month. At the end of each fiscal year, the Treasurer shall make a report to the Board of Selectmen and Planning Board, giving a particular account of all impact fee transactions during the year.

15.10 Use of Funds

15.10.1 Funds withdrawn from the capital facility impact fee accounts shall be used solely for the purpose of acquiring, constructing, equipping, or making improvements to public capital facilities to increase their capacity, or to recoup the cost of such capacity improvements.

15.10.2 Effective upon passage of this Article, the annual updates of the Goffstown Capital Improvement Program shall contain a procedure for assigning funds, including any accrued interest, from all of the public capital facility accounts to specific capital improvement projects, related expenditures or debt service.

15.10.3 Impact fee monies, including any accrued interest, that are not assigned in any fiscal period shall be retained within the same public capital facilities impact fee account until the next fiscal period except where a refund is due.

15.10.4 Funds may be used to provide refunds consistent with the provisions of this Article.

15.11 Refund of Fees Paid

15.11.1 The current 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:

15.11.1.1 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 the date of the full and final payment of the fee; or

15.11.1.2 The Town, or in the case of school impact fees the Goffstown School District, has failed, within the period of six (6) years from the date of the full and final payment of such fee, to appropriate any of the non-impact fee share of related capital improvement costs thereby permitting the capital improvement or capital improvement program for which the impact fee was collected to be commenced. If any capital improvement or capital improvement program for which an impact fee is collected has been commenced either prior to, or within six years from the date of final collection of an impact fee, that impact fee payment shall be deemed to be encumbered and legally bound to be spent for said capital improvement or capital improvement program and shall not be refunded, even if it is not fully expended within the six year period.

15.11.1.3 The Board of Selectmen shall provide all owners of record who are due a refund written notice of the amount due, including accrued interest, if any, and shall promptly cause said refund to be made.

15.12 Additional Assessments - Payment of the impact fee under this Article does not restrict the Town or the Planning Board from requiring other payments from the feepayer, including such payments relating to the cost of the extension of water and sewer mains or the construction of roads or streets or other infrastructure and public capital facilities specifically benefiting the development as required by the subdivision or site plan review regulations, or as otherwise authorized by law.

15.13 Scattered or Premature Development - Nothing in this Article shall be construed so as to limit the existing authority of the Goffstown Planning Board to deny new proposed development which is scattered or premature, requires an excessive expenditure of public funds, or otherwise violates the Town of Goffstown Zoning Ordinance, or the Goffstown Planning Board Site Plan Review Regulations or Subdivision Regulations, or which may otherwise be lawfully denied.

15.14 Review and Change in Method of Assessment- The methodologies adopted by the Planning Board for impact fee assessment, and the associated fee schedules, shall be reviewed periodically and amended as necessary by the Planning Board. Such review shall take place not more than five years from the initial adoption of this Article, nor more frequently than annually, except as required to correct errors or inconsistencies in the assessment formula and shall be reviewed at least every five years hereafter. Any proposal for changes in the impact fee assessment methodology or the associated fee schedule shall be submitted to the Board of Selectmen for its review and comment prior to final consideration of the proposed changes by the Planning Board. The review by the Planning Board and Board of Selectmen may result in recommended changes or adjustments to the methodology and related fees based on the most recent data as may be available. No change in the methodology or in the impact fee schedules shall be adopted by the Planning Board until it shall have been the subject of a public hearing noticed in accordance with RSA 675:7.

IMPACT FEE SCHEDULE

SCHOOLS

Structure Type	Fee per Dwelling Unit
Single Family Detached	\$ 4,748
Single Family Attached (Townhouse/Patio Home)	\$ 2,140
Two Family Structures (Duplex)	\$ 2,961
Multifamily 3 or More Units (Apartment/Garden Apt)	\$ 1,603
Manufactured Housing	\$ 2,724
Accessory Unit (Per Zoning Ordinance, Section 5.2)	\$1,603
Elderly (Limited to no one under 18 years old)	0

RECREATION

Structure Type	Fee per Dwelling Unit
Single Family Detached	\$ 1,000
Single Family Attached (Townhouse/Patio Home)	\$ 490
Two Family Structures (Duplex)	\$ 660
Multifamily 3-4 Units (Apartment/Garden Apartment)	\$ 510
Multifamily 5 or More Units (Apartment/Garden Apt)	\$ 270
Manufactured Housing	\$ 580
Accessory Unit (Per Zoning Ordinance, Section 5.2)	\$ 270

ROADS

Per Dwelling Unit	\$ 110
-------------------	--------

Town of Hooksett, New Hampshire
Impact Fee Ordinance

ARTICLE 29

IMPACT FEE ORDINANCE

Adopted 5/8/01

A. Purpose. This ordinance is enacted pursuant to RSA 674:21, and in order to:

1. Promote the public health, safety and welfare and prosperity;
2. Ensure that adequate and appropriate facilities are available to individuals who may come to be located in the Town of Hooksett;
3. Prevent scattered or premature development of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services;
4. Provide for the harmonious development of the municipality and its environs;
5. Ensure the proper arrangement and coordination of streets; and,
6. Ensure streets of sufficient width to accommodate existing and prospective traffic.

B. Definitions

1. **Fee payer** means the applicant for the issuance of a permit that would create new development as defined in this Section.
2. **Impact fee** means a fee or assessment imposed upon development, including subdivision, building construction or other land-use change, in order to help meet the needs occasioned by the development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and

flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer, recycling, processing and disposal facilities; public libraries; and public recreation facilities, not including public open space.

3. **New development** means an activity that results in:

- a. The creation of a new dwelling unit or units; or
- b. The conversion of a legally existing use, or additions thereto, which would result in a net increase in the number of dwelling units; or
- c. Construction resulting in a new non-residential building or a net increase in the 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 assessments.

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, density or type of use, and where there is no net increase in demand on the public capital facilities of the town of Hooksett.

C. Authority to Assess Impact Fees.

The Planning Board is hereby authorized to assess impact fees, as herein defined, and in accordance with the standards herein set forth. The Planning Board shall have the authority to adopt regulations to implement the provisions of this ordinance.

D. Standards and Methodology for Assessment

1. The amount of any impact fee shall be a proportional share of municipal capital improvement costs, which is reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee.
2. Upgrading of existing facilities and infrastructures, the need for

which is not created by new development, shall not be paid for by impact fees.

3. The Planning Board may prepare, adopt, or amend studies or reports that are consistent with the above standards, and which define a methodology for impact fee assessment for public capital facilities, and impact fee assessment schedules therefore.

E. Waivers

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

1. A fee payer may request a full or partial waiver of public school impact fees for those residential units that are lawfully restricted to occupancy by senior citizens age 62 or over in a development that is also maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The Planning Board may waive school impact fee assessments on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy by senior citizens age 62 or over for a period of at least 20 years.

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. Prior to acting on a request for a waiver of impact fees under this provision that would involve a contribution of real property or the construction of capital facilities, the Planning Board shall submit a copy of the waiver request to the Town Council for its review and consent prior to its acceptance of the proposed contribution. 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. All costs incurred by the Town for the review of such proposal, including consultant and counsel fees, shall be paid by the fee payer.

F. Administration of Impact Fees

1. All impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit or other appropriate permission to

proceed with development.

2. Between the date of assessment and collection, the Planning Board may require fee payers to post security, in the form of a cash bond, letter of credit or performance bond so as to guaranty future payment of assessed impact fees.

3. Impact fees shall be collected as a condition for the issuance of a Certificate of Occupancy; provided however, in projects where off-site improvements are to be constructed simultaneously with a project's development, and where the Town has appropriated the necessary funds to cover such portions of the work for which it will be responsible, the Town may advance the time of collection of the impact fee to the issuance of a building permit.

4. The Planning Board and the fee payer may establish an alternate, mutually acceptable schedule of payment of impact fees.

5. Each impact fee shall be accounted for separately, shall be segregated from the Town's general fund, may be spent upon order of the governing body, and shall be used solely for the capital improvements for which it was collected, or to recoup the cost of capital improvements made in anticipation of the needs for which fees are collected to meet.

6. In the event that bonds or similar debt instruments have been or will be issued by the Town of Hooksett or the Hooksett School District for the funding of capital improvements that are the subject of impact fee assessment, impact fees from the appropriate related capital facility impact fee accounts may be applied to pay debt service on such bonds or similar debt instruments.

7. The Finance Director shall record all fees paid, by date of payment and the name of the person making payment, and shall maintain an updated record of the current ownership and tax map reference number of properties for which fees have been paid under this Section for each permit so affected for a period of at least nine (9) years from the date of receipt of the impact fee payment associated with the issuance of each permit.

G. Refund of Fees Paid

The current 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 under the following circumstances:

1. When either the full or partial portion of the impact fee, whichever is applicable, 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 the date of the full and final payment of the fee; or
2. When the Town of Hooksett, or in the case of school impact fees the Hooksett School District, has failed, within the period of six (6) years from the date of the full and final payment of such fee, to appropriate their proportionate non-impact fee share of related capital improvement costs.

H. Appeals Under This Section

1. A party aggrieved by a decision made by the Code Enforcement Officer regarding the assessment or collection of impact fees authorized by this Section may appeal such decision to the Planning Board;
2. A party aggrieved by a decision of the Planning Board under this Section may appeal such decision to the Merrimack County Superior Court as provided by RSA 676:5, III and RSA 677:15, as amended.

I. Applicability

This ordinance shall not be deemed to affect the existing authority of the Planning Board over subdivisions and site plans, including, but not limited to the authority to declare a development to be premature or scattered in accordance with the regulations of the Board and in accordance with RSA 674:36, II(a). Payment of the impact fee under this Section does not restrict the Town of Hooksett or the Planning Board from requiring other payments or improvements from new development. Nothing in this section shall be construed to affect fees that are assessed under the authority of other statutes, town ordinances or regulations.

(end of Article 29)

TOWN OF HOOKSETT
 IMPACT FEE SUMMARY SHEET
 FOR SCHOOLS, PUBLIC SAFETY, AND RECREATION

Combined costs per construction type
 RESIDENTIAL

Per Home, Single Family Detached	\$3,768.	Schools
	\$1,326.	Public Safety
	\$ 695.	Recreation
Total:	\$5,789.	

Per Townhouse Unit	\$1,260.	Schools
	\$1,100.	Public Safety
	\$ 567.	Recreation
Total:	\$2,927.	

Per Duplex, Two-Family	\$3,381.	Schools
	\$1,298.	Public Safety
	\$ 667.	Recreation
Total:	\$5,346.	

Per Unit, Multifamily, 3+ Units	\$ 926.	Schools
	\$1,141.	Public Safety
	\$ 579.	Recreation
Total:	\$2,646.	

Per Manufactured Housing Unit	\$2,017.	Schools
	\$ 937.	Public Safety
	\$ 479.	Recreation
Total:	\$3,433.	

NON-RESIDENTIAL

Per sq. ft., Industrial	\$1.03	Public Safety
Per sq. ft., Commercial	\$1.14	Public Safety

Rev. Wednesday, August 31, 2005
 Community Development Department

Town of Londonderry, New Hampshire Impact Fee Ordinance

1.2 IMPACT FEES

1.2.1 Authority

These provisions are established pursuant to New Hampshire RSA 674:21, V.

1.2.2 Purpose

These provisions are intended to:

1.2.2.1. Assist in the implementation of the 1988 Town of Londonderry Master Plan, especially:

1.2.2.1.1. Recommendation six (6) under the community facilities, which states, "Consider an impact fees program with regards to Londonderry's community facility development," and;

1.2.2.1.2. Recommendation two (2) under transportation, which states, "Seek the participation of private developers in cost sharing for the needed improvements to town roads and intersections." recommendation six (6) under the community facilities, and recommendation two (2) under transportation.

1.2.2.2. Insure the adequate provision of public facilities necessitated by the growth of the Town of Londonderry.

1.2.2.3. Assess an equitable share of the growth-related cost of new and expanded public capital facilities to all types of new development in proportion to the facility demands created by that development.

1.2.3 Findings

The Londonderry Planning Board has made the following findings based on extensive consultation with all municipal departments, and a careful study of municipal facility needs.

1.2.3.1. The Londonderry Planning Board adopted a Master Plan in January, 1988, and updated in 1997.

1.2.3.2. The Londonderry Planning Board has prepared, and regularly updated, a Capital Improvements Program and Budget as authorized

by the Londonderry Town Meeting of March 11, 1988.

1.2.3.3. The Master Plan and the Capital Improvement Program demonstrate that significant new growth and development is anticipated in residential and non-residential sectors which will necessitate increased expenditures to provide adequate public facilities.

1.2.3.4. The Town of Londonderry is responsible for and committed to the provision of public facilities and services at standards determined to be necessary by the Town to support residential and non-residential growth and development in a manner which protects and promotes the public health, safety and welfare.

1.2.3.5. The cost of providing public capital facility capacity to serve new growth will be disproportionately borne by existing taxpayers in the absence of impact fee assessments.

1.2.3.6. The calculation methodology for impact fees, as established by a report by the Planning Board entitled "Impact Fee Analysis: Town of Londonderry," shall represent a fair and rational method for the allocation of growth-related capital facility costs to new development. Based on this methodology, impact fees will not exceed the costs of:

1.2.3.6.1. Providing additional public capital facilities necessitated by the new developments paying impact fees, or

1.2.3.6.2. Compensating the Town of Londonderry for expenditures made for existing public facilities which were constructed in anticipation of new growth and development.

1.2.3.7. Impact fee payments from new development will enable the Town of Londonderry to provide adequate public facilities to serve new growth, and provide new development with a reasonable benefit in proportion to its contribution to the demand for such facilities.

1.2.3.8. The imposition of impact fees is one of the preferred methods of ensuring that development bears a proportionate share of the cost of capital facilities necessitated to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.

1.2.4 Definitions

Fee payer- A person applying for the issuance of a building permit, subdivision or site plan approval, special exception, variance or other local land use decision which would create new development.

New Development - Any activity which results in a net increase in the demand for additional public capital facilities, as defined in this ordinance:

1. The creation of new dwelling units, except for the replacement of existing units of the same size and density;
2. A net increase in the gross floor area of any nonresidential building or in the habitable portion of a residential building;
3. The conversion of a legally existing use to another permitted use if such change of use would create a net increase in the demand for additional public capital facilities, as defined by this ordinance.

Gross Floor Area - The entire square footage of a building calculated from the dimensional perimeter measurements of the first floor of the building with adjustments to the useable area of the other floors made in a manner consistent with Londonderry property tax assessment procedures. For residential structures, gross floor area shall not include portions of residential structure or accessory structure which is not available for human habitation.

Public Capital Facilities - Facilities and equipment owned, maintained or operated by the Town of Londonderry as defined in the Capital Improvement Program and which are listed in the adopted impact fee schedule.

1.2.5 Imposition of Public Capital Facilities Impact Fee

1.2.5.1. Any person who, after March 9, 1994 seeks approval of new development within the Town of Londonderry, New Hampshire, is hereby required to pay a public capital facilities impact fee in the manner and amount set forth in Section 1.2.6.

1.2.5.2. A person may request, from the Planning Board, a full or partial waiver of impact fee payments required in this ordinance. The amount of such waiver shall not exceed the value of the land, facilities construction, or other contributions to be made by that person toward public capital facilities. The value of on-site and off-site improvements which are required by the Planning Board as a result of subdivision or site plan review, and which would have to be completed by the developer, regardless of the impact fee provisions, shall not be considered eligible for waiver or credit under Section

1.2.11 of this Ordinance.

1.2.5.3. A person undertaking new development for residential use in which all or a portion of its occupancy will be restricted to persons age fifty five (55) and over, and where it can be shown to the satisfaction of the Planning Board that such restricted occupancy will be maintained for a period of at least twenty (20) years, may apply for a waiver of the school impact fees for the said restricted occupancy units.

1.2.5.4. A person undertaking new development for residential use in which all or a portion of its occupancy will be restricted to persons of low and moderate income as defined by the United States Department of Housing and Urban Development (HUD), and where it can be shown to the satisfaction of the Planning Board that such low and moderate income housing will be maintained with appropriate restrictions for a period of at least twenty (20) years, may apply for a waiver of impact fees for said restricted units.

1.2.5.5. No building permit for new development requiring payment of an impact fee pursuant to Section 1.2.6 of this Ordinance shall be issued until the public facilities impact fee has been determined and assessed by the Planning Board or its authorized agent

1.2.5.6. A person undertaking new development for residential use in which all or a portion of its occupancy will be assisted living facilities restricted to persons who are age fifty five (55) and over and/or disabled, may apply for a waiver of Recreation Impact Fees for said restricted units where it can be shown to the satisfaction of the Planning Board that internal private recreation programs will be provided to the occupants by the developer and provisions to that effect will be maintained with appropriate restrictions for a period of at least twenty (20) years.

1.2.6.1. The amount of the public facilities impact fee shall be determined by the Impact Fee Schedule prepared in accordance with the methodology established in a report by the Planning Board entitled, "Impact Fee Analysis: Town of Londonderry", as updated by the reports entitled, "Methodology for Assessment of Public School Impact Fees, Town of Londonderry, and "Methodology for Assessment of Recreation Impact Fees, Town of Londonderry" by Bruce C. Mayberry, dated January 21, 1999, "Methodology for Assessment of Public School Impact Fees, 2002 Update, Town of Londonderry, NH" by Bruce Mayberry, dated July 17, 2002, "Recreation Impact Fee Update" by Bruce Mayberry, dated July 11, 2002, "Police Department Impact Fee Methodology, Londonderry, NH" by Bruce Mayberry, dated September 25, 2002, "NH Route 28 Eastern Corridor Study" prepared by Southern NH Planning Commission, as most recently adopted, "NH Route 28 Western Corridor Study" prepared by Southern NH Planning Commission, as most recently adopted, "NH Route 102 Upper Corridor Study" prepared by Southern NH Planning Commission, as most recently adopted, "NH Route 102 Central Corridor Study" prepared by Southern NH Planning Commission, as most recently adopted, "NH Route 102 Lower Corridor Study" prepared by Southern NH Planning Commission as most recently adopted, subject to annual adjustments in accordance with Section 1.2.14.

1.2.6.2. In the case of new development created by a change of use, redevelopment, or expansion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee for the new use as compared to that which was or would have been assessed for the previous use.

1.2.7 Payment of Fees

No certificate of occupancy shall be issued for new development until the assessed impact fee has been paid, or until the fee payer has established a mutually acceptable schedule for payment.

1.2.8 Appeals

1.2.8.1. Any aggrieved party may appeal to the Planning Board the amount of the public facilities impact fee, under the procedures established by the Board for handling such appeals.

1.2.8.2. If a fee payer elects to appeal the amount of the impact fee, the fee payer shall prepare and submit to the Planning Board an independent fee calculation study for the new development activity which is proposed. All costs incurred by the Town for the review of such study shall be paid by the fee payer.

1.2.9 Administration of Funds Collected

1.2.9.1. All funds collected shall be properly identified and promptly transferred for deposit in individual Public Capital Facilities Impact Fee Accounts for each of the facilities for which fees are assessed, and shall be special revenue fund accounts and under no circumstances shall such revenue accrue to the General Fund.

1.2.9.2. The Town Treasurer shall have custody of all fee accounts, and shall pay out the same only upon written orders of the Town Council.

1.2.9.3. The Town Treasurer shall record all fees paid, by date of payment and the name of the persons making payment, and shall maintain an updated record of current ownership, tax map and lot reference number of properties for which fees have been paid under this Ordinance for a period of at least ten (10) years.

1.2.9.4. At the end of each fiscal year, the Town Treasurer shall make a report to the Town Council, giving a particular account of all public capital facilities impact fee transactions during the year.

1.2.9.5. Funds withdrawn from the Public Capital Facilities Impact Fee Accounts shall be used solely for the purpose of acquiring, constructing, expanding or equipping those public capital facilities identified in this Ordinance.

1.2.9.6. In the event that bonds or similar debt instruments have been issued for public capital facilities which were constructed in anticipation of new development, or are issued for advanced provision of capital facilities identified in this Ordinance, impact fees may be used to pay debt service on such bonds or similar debt instruments.

1.2.10 Refund of Fees Paid

1.2.10.1. 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:

1.2.10.1.1. 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 the date of the final payment of the fee; or

1.2.10.1.2. The town has failed, within the period of six (6) years from the date of the final payment of such fee, to appropriate the nonimpact fee share of related capital improvement costs.

1.2.10.2. The Town Council shall, annually, provide all owners of record who are due a refund, written notice of the amount due, including accrued interest.

1.2.11 Credit

1.2.11.1. Land and/or public capital facility improvements may be offered by the fee payer as total or partial payment of the required impact fee. The offer must be determined to represent an identifiable dollar value computed in a manner acceptable to the Town Council. The Town Council may authorize the fee payer an impact fee credit in the amount of the value of the contribution.

1.2.11.2. Any claim for credit must be made no later than the time of application for the building permit.

1.2.11.3. Credits shall not be transferable from one project of development to another without written approval of the Town Council.

1.2.11.4. Credits shall not be transferable from one component of the public capital facilities impact fee to any other component of this fee without written approval of the Town Council. Records of the amounts of an reasons for such transfers shall be maintained.

1.2.11.5. Determinations made by the Town Council pursuant to the credit provisions of this section may be appealed to the Board of Adjustment according to the procedures applicable to appeals from administrative decisions contained in section 1.2.8 of this Ordinance.

1.2.12 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 such payments relating to the cost of the extensions of water and sewer mains or the construction of roads or streets or turning lanes to access the site or other infrastructure and facilities specifically benefitting the development as required by the subdivision or site plan review regulations.

1.2.13 Premature and Scattered Development

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

1.2.14 Review

The Impact Fee Assessment Schedule shall be reviewed annually by the Planning Board, using the methodology established in the reports referred to in Section 1.2.6. Such review may result in recommended adjustments in one or more of the fees based on the most recent data as may be available from the Bureau of the Census, local property assessment records, market data reflecting interest and discount rates, current construction cost information for public capital facilities, etc. Adjustments shall be approved by the Town Council no more frequently than annually, based on such data.

Residential Impact Fee - Schools	
<i>Structure Type</i>	<i>Fee per Dwelling Unit</i>
Single Detached	
2 Bedroom	\$4,031
3 Bedroom	\$6,134
4 Bedroom	\$7,984
Single Attached (Twn Hse)	
2 Bedroom	\$2,650
3 Bedroom	\$2,668
Duplex/Condex	
2 Bedroom	\$3,848
3 Bedroom	\$4,858
Multifamily	
3+ Units	\$2,359
Manufactured Housing	
All	\$2,994
Residential Impact Fee - Library	
Dwelling Units	\$120
Residential Impact Fee - Recreation	
Single Detached	\$1,207
Single Attached (Twn Hse)	\$878
Duplex/Condex	\$1,143
Multifamily 3+ Units	\$985
Manufactured Home	\$793
Residential Impact Fee - Police	
Single Detached	\$380
Single Attached (Twn Hse)	\$313
Duplex/Condex	\$375
Multifamily 3+ Units	\$340
Manufactured Home	\$273
Commercial	\$.094/SF
Industrial	\$.094/SF
Residential Impact Fee - Fire	
Dwelling Units	\$225*
<i>*If project is located in West Benefit Fire District, add \$225 per dwelling unit to the price shown above.</i>	
Commercial/Industrial West Fire Impact Fee District	
Square Feet	\$129/SF

City of Manchester, New Hampshire

Impact Fee Ordinance

ARTICLE 13. IMPACT FEES

Section 13.01 Authority and Purpose.

These provisions are established pursuant to New Hampshire RSV 674:21,V. The provisions of the Article are intended to: assist in the implementation of the City of Manchester Master Plan; provide for the planning for and provision of public capital facilities necessitated by the growth of the City of Manchester; and assess an equitable share of the growth-related cost of new and expanded public capital facilities to new development, in proportion to the facility demands created by that development. Facilities which are eligible for inclusion under this Ordinance are specifically enumerated under NH RSA 674:21, V and are more specifically limited to those facilities identified in the Impact Fee Schedule adopted by the Board of Mayor and Aldermen.

13.02 Findings.

A. Master Plan. The Manchester Planning Board adopted a Master Plan on November 10, 1993.

B. Capital Improvements Program. The City of Manchester through the Board of Mayor and Aldermen has prepared, and regularly updated, a Capital Improvements Program as part of the Community Improvement Program process.

C. Adequate public facilities needed to serve growth. The Master Plan and the Capital Improvements Program demonstrate that new growth will necessitate increased public expenditures to provide adequate public facilities.

D. Promote public health, safety and welfare. The City of Manchester is responsible for and committed to the provision of public facilities and services, at standards which support and protect the public health, safety and welfare.

E. Cost of growth. The costs of providing public capital facilities capacity to serve new growth will be disproportionately borne by existing taxpayers in the absence of impact fee assessments.

F. Method of apportioning capital costs to new development. The calculation methodology for impact fees, as established in a report by the Planning Board

entitled "Impact Fee Analysis: City of Manchester," represents a fair and rational method of allocating capital facility costs to new development. Based on this methodology, impact fees will not exceed the costs of:

1. Providing additional public capital facilities necessitated by the new developments paying impact fees; or
2. Compensating the City of Manchester for expenditures made for existing public facilities which were constructed in anticipation of new growth and development.

G. Reasonable benefit provided. Impact fees will enable the City of Manchester to provide adequate public facilities to serve new growth, and provide a mechanism for the City to secure reasonable benefit from new development, in proportion to the demand for such facilities.

13.03 Imposition of Public Capital Facilities Impact Fee.

A. Assessment of fee by Building Commissioner. Any person or firm who wishes to construct a single family dwelling or a multiple family dwelling within the City of Manchester, is hereby required to pay a public capital facilities impact fee in the manner and amount set forth in Section 13.05 of this Ordinance. The City of Manchester Building Department shall determine the amount of the public capital facilities impact fee and the fee shall be paid prior to the issuance of a Certificate of Occupancy.

B. Geographic applicability of fees. The fees shall be applied City-wide unless otherwise specified in the Impact Fee Schedule for specific neighborhood improvements. In such cases, the Schedule shall describe the specific areas and a map shall be attached to the Schedule.

13.04 Computation of Impact Fee. (Rev. 9/7/04)

The amount of the public facilities impact fee shall be listed in an Impact Fee Schedule adopted by the Board of Mayor and Aldermen and prepared in accordance with a report by the Planning Board entitled "Methodology."

IMPACT FEE PER DWELLING UNIT Impact Fee Schedule - School (Rev. 9/04)

<i>Type of Unit</i>	<i>Impact Fee Assessment</i>
Single Family Detached	\$2,733
Single Family Attached (Townhouse)	\$633

Duplex/2 Unit Structure	\$1,789
Multifamily 3-4 Unit Structure	\$1,537
Multifamily 5+ Unit Structure	\$1,169
Manufactured Housing	\$1,663

Impact Fee Schedule - Fire

<i>Type of Unit</i>	<i>Impact Fee Assessment</i>
Single Family Detached	\$190
Single Family Attached (Townhouse)	\$188
Duplex/2 Unit Structure	\$190
Multifamily 3-4 Unit Structure	\$196
Multifamily 5+ Unit Structure	\$146
Manufactured Housing	\$176

Note: The Fire Impact Fee Schedule is applicable only to Fire Service Areas A & B. Area A is bounded by Candia Road, South Mammoth Road, the Auburn Town line and the Londonderry Town line. Area B is bounded by the Hooksett Town Line, the Goffstown Town Line, Dunbarton Road and the Merrimack River.

13.05 Payment of Fees.

No Certificate of Occupancy for a single family dwelling or multiple family dwelling shall be issued until the impact fee has been collected by the City of Manchester Building Department.

13.06 Appeals.

Any aggrieved party may appeal the provisions of this Article to the Zoning Board of Adjustment as established in Article 14 of this Ordinance. Where the appeal is on the amount of the fee to be paid, the party shall first have exhausted its options available through the Planning Board under Section 13.09 (2). In such cases, the party shall prepare and submit to the Zoning Board of Adjustment an independent fee calculation study for the new development activity which is proposed and shall provide a copy of the action of the Planning Board. All costs incurred by the City for the review of such study shall be paid by the party.

13.07 Administration of Funds Collected.

A. Individual facility accounts required. All fees collected shall be promptly transferred for deposit in individual Public Capital Facilities Impact Fee Accounts for each of the facilities for which fees are assessed, and shall be used solely for the purposes specified in this Article. Impact Fee accounts shall be

special revenue fund accounts and under no circumstances shall such revenues accrue to the General Fund.

B. Custody of fee accounts and release of funds. The City Finance Director shall have custody of all fee accounts, and shall pay out the same only upon authorization by the Board of Mayor and Aldermen.

C. Record keeping. The City Finance Director shall record all fees paid, by date of payment and the name of the person making payment, and shall maintain an updated record of the current ownership, tax map and lot reference number of properties for which fees have been paid under this Ordinance for a period of at least six (6) years.

D. Annual report. At the end of each fiscal year, the City Finance Director shall make a report to the Board of Mayor and Aldermen, giving a particular account of all public capital facilities impact fee transactions during the year.

E. Use of funds. Funds withdrawn from the Public Capital Facilities Impact Fee Accounts shall be used solely for the purpose of acquiring, constructing, expanding or equipping those public capital facilities identified in the Impact Fee Schedule.

F. Application to debt service. In the event that bonds or similar debt instruments have been issued for public capital facilities which were constructed in anticipation of new development, or are issued for advanced provision of capital facilities identified in this Article, impact fees may be used to pay debt service on such bonds or similar debt instruments.

13.08 Exemptions and Waivers.

A. Exemptions. The following uses are exempt from selected fees:

1. Those dwelling units within residential developments in which occupancy will be legally and permanently restricted to persons age 62 and over in accordance with federal law are exempt from school impact fees.
2. In order to recognize the lack of impact on schools and to promote economic development and the creation of jobs, commercial and industrial developments are exempt from the school and fire impact fees.

B. Waivers. The Planning Board may grant a full or partial waiver of an impact

fee only in the following instances:

1. Land and/or public capital facility improvements may be offered by a feepayer as total or partial credit toward the impact fee. The offer must be determined to represent an identifiable dollar value computed in a manner acceptable to the Planning Board and must meet the needs of the specific public facilities for which the fees are adopted.
2. Improvements which would normally be required by the Planning Board under subdivision or site plan regulations shall not be considered eligible under this section.

13.09 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) 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 the date of the final payment of the fee; or (2) The City 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 share of related capital improvement costs.

13.10 Other Public Improvements.

Payment of a public capital facilities impact fee does not restrict the City or the Planning Board in requiring other payments, including such payments relating to the cost of extensions of water and sewer mains or the construction of roads or streets or other infrastructure and facilities as may be required by the subdivision or site plan review regulations.

13.11 Premature and Scattered Development.

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

13.12 Periodic review.

The Impact Fee Schedule shall be reviewed annually by the Planning Board, using the "Methodology" report. Such review may result in recommendations for adjustment to one or more of the fees based on the most recent data, as may

be available from the Bureau of the Census, local property assessment records, market data reflecting interest and discount rates, or current construction cost information for public capital facilities, etc. The Planning Board shall furnish its recommendations to the Board of Mayor and Aldermen, who shall have the authority to change the Impact Fee Schedule.

13.13 Effect on Prior Agreements for Payment of Impact Fees

The provisions of this Article shall supersede any impact fees which are unpaid as of the effective date of this Ordinance.

Town of Raymond, New Hampshire

Impact Fee Ordinance

7.500 IMPACT FEE ORDINANCE FOR PUBLIC CAPITAL FACILITIES

7.501 AUTHORITY AND APPLICABILITY (03/04)

This article is authorized by New Hampshire RSA 674:21 I. (m) as an innovative land use control. The administration of this Article shall be in compliance with RSA 674:21 V (a. through i.). This article, as well as, regulations, studies and methodologies adopted by the Planning Board consistent with and in the 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 improvements of capital facilities owned or operated by the Town of Raymond or the Raymond School District. The public facilities for which impact fees may be assessed in the Town of Raymond 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 rights of way;
- public works equipment and facilities;
- municipal office structures, equipment and facilities;
- fire, ambulance, emergency management,
- police and dispatch equipment and facilities;
- public school facilities;
- solid waste collection;
- transfer, recycling, processing and disposal facilities;
- public library facilities;
- and public recreation facilities not including public open space.

7.501.2 Prior to assessing an impact fee for one or more of the public facilities enumerated above, the Planning Board shall have adopted such studies or methodologies and related fee schedules that provide for a process or method of calculating the proportionate share of capital improvement costs associated with the increased demand placed on capital facility capacity by the new development. (03/04)

7.501.03 The 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. (03/04)

7.501.04 This ordinance is intended to require new development to contribute its proportionate share of funds necessary to accommodate its impact on public facilities having a rational nexus to the proposed development, and for which the need is attributable to the proposed development; and implement the relevant portions of the Town of Raymond's Subdivisions Regulations and Site Review Regulations. (03/04)

7.501.05 Implement the relevant portions of the Town of Raymond's Subdivisions Regulations and Site Review Regulations. (03/04)

7.502 FINDINGS

In review of the impact of growth relative to the existing and planned capital facility capacity available to the Town of Raymond for its municipal and school needs, the Town of Raymond hereby finds that:

01 New development in Raymond will create the need for the construction, equipping, or expansion of public capital facilities in order to provide adequate facilities and services for its residents; (03/04)

02 Impact fees may be used to assess an equitable share of growth related cost of public facility capacity to new development in proportion to the facility demands created by that development. (03/04)

03 In the absence of impact fees, anticipated residential and non-residential growth and associated capital improvement costs could necessitate an excessive expenditure of public funds in order to maintain adequate facility standards and to promote and protect the health, safety, and welfare; (03/04)

04 As documented by the Master Plan and the Capital Improvements Program of the Town of Raymond, recent and anticipated municipal growth rates and associated improvements and costs would necessitate an excessive expenditure of public funds in order to maintain adequate municipal and school facility standards and to promote and protect the public health, safety, and welfare.

05 The imposition of impact fees is one of the methods available to ensure that public expenditures are not excessive and new

development will bear a proportionate share of the capital costs necessary to accommodate such development.

06 The impact fee methodology adopted by the Raymond Planning Board, and as amended represents a reasonable, rational and proportional method for the assessment of growth-related facility costs to new development.

07 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 Raymond.

7.503 DEFINITIONS

01 School District. The Raymond School District.

02 Fee payer. The applicant for the issuance of a building permit which could create new development.

03 (03/04) New Development. Any activity which results in a net increase in the demand for additional public capital facilities, as defined in this ordinance.

A. The creation of a new dwelling unit, except for the replacement of existing units of the same size and density.

B. The expansion of a dwelling unit to create additional bedroom area.

C. The net increase in the gross floor area of any non residential building/structure or in the habitable portion of a residential building.

D. The conversion of an existing use to another use if such changes creates a net increase in the demand on public capital facilities that are subject to impact fee assessment methodologies adopted by the planning board.

04 Public Recreation Facilities. Land and facilities owned or operated by the Town of Raymond or the Raymond School District, other than public open space, which are designed for the conduct of recreational sports or other active uses of an organized nature, and which include equipment or improvements to the land to support indoor or outdoor

public recreation programs and activities.

05 Public Open Space. An unimproved or minimally improved parcel of land or water available to the public for passive recreational uses such as walking, sitting, or picnicking which does not include “public recreation facilities”.

06 (03/04) Public Capital Facilities; Facilities and equipment owned, maintained, or operated by the Town of Raymond as defined in the Capital Improvement Program and which are listed in the adopted impact fee schedule.

7.504 IMPOSITION OF IMPACT FEES

01 Impact fees shall be assessed to new development to compensate the Town of Raymond and the Raymond School District for the proportional share of capital facilities generated by new development in the Town of Raymond, including municipal and public school facilities to be constructed, or which were constructed in anticipation of new development.

02 Any person who seeks a building permit for new development is hereby required to pay a capital facility impact fee upon adoption of this article in the manner set forth herein.

03 A person may request a full or partial waiver of public school facility impact fees for that number of dwelling units which will exclude school age children, within developments in which all or a portion of the units will be lawfully restricted to persons age sixty-two (62) and over, and where such restriction will be maintained for a period of at least 20 years. School impact fees may, in the discretion of the Planning Board, be waived for those units within a development that are otherwise restricted to occupancy by older persons in a lawful manner.

04 A person may request, from the Planning Board, a full or partial waiver of impact fees for any residential units or non-residential development that was approved for construction prior to the effective date of this article.

7.505 COMPUTATION OF IMPACT FEE

01 The amount of each impact fee shall be as set forth in the Impact

Fee Schedules prepared and updated in accordance with a report prepared and adopted by the Planning Board for the purposes of

02 In case of the new development created by conversion or modification of an existing use, the impact fee shall be based upon the net increase in the impact fee assessed for the new use as compared to the highest impact fee that was or would have been assessed for the previous use in existence on or after the effective date of this Ordinance.

7.506 PAYMENT OF IMPACT FEE

No building permit shall be issued for new development until the impact fee has been assessed by the building official, and paid to the Town of Raymond, or until the fee payer has established a mutually acceptable schedule for payment with the Planning Board, or has deposited an irrevocable letter of credit or other acceptable performance and payment guarantee with the Town of Raymond. Impact fees shall ordinarily be paid in full prior to the issuance of a certificate of occupancy for the new development for which the fee was assessed.

7.507 APPEALS

If a fee payer believes the Planning Board acted improperly in imposing or calculating the impact fee, their action may be appealed to the Superior Court as provided by RSA 677:15.

7.508 ADMINISTRATION OF FUNDS COLLECTED

01 All funds collected shall be properly identified and promptly transferred for deposit into separate impact fee accounts for each of the capital facility categories for which impact fees have been assessed. This impact fee account shall be a non-lapsing special revenue fund account and under no circumstances shall such revenues accrue to the General fund.

02 The Town Treasurer shall record all fees paid, by date of payment and the name of the person making payment, and shall maintain an updated record of the current ownership tax map and lot reference number of properties for which fees have been paid under this Article, for each building permit so affected for a period of at least six (6) years from the date of receipt of the impact fee payment associated with issuance of each permit. (03/04)

03 Impact fees collected may be spent from time to time by order of the Board of Selectmen and shall be used solely for the reimbursement of the Town and the School District for the cost of public capital improvements for which they were collected, or to recoup the cost of capital improvements made by the Town or District in anticipation of the needs for which the impact fee was collected.

04 In the event that bonds or similar debt instruments have been, or will be, issued by the Town or the District for the funding of capacity related facility improvements, impact fees may be transferred to pay debt service on such bonds or similar debt instruments.

05 At the end of each fiscal year, the Town Treasurer shall make a report to the Board of Selectmen, giving a particular account of all impact fee transactions during the year.

7.509 REFUND OF FEES PAID

01 The current 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:

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

b) The Town or, in the case of school facilities, the School District, has failed within the period of six (6) years from the date of the full and final payment of such fee, to appropriate any of the non impact fee share of related capital improvement costs, thereby permitting the capital improvement or capital improvement plan for which the impact fee was collected to be commenced. If any capital improvement or capital improvement program for which an impact fee is collected has been commenced either prior to or within six years from, the date of final collection of an impact fee, that impact fee payment shall be deemed to be encumbered and legally bound to be spent for said capital improvement or capital improvement program and shall not be refunded, even if it is not fully expended within the six year period.

02 The Board of Selectmen shall provide all owners of record who are due a refund written notice of the amount due, including accrued interest, if any, and shall promptly cause said refund to be made.

7.510 ADDITIONAL ASSESSMENTS

Payment of the impact fee under this article does not restrict the Town or the Planning Board from requiring other payments from the fee payer, including such payments relating to the cost of the extensions of water and sewer mains or the construction of roads or streets or other infrastructure and public capital facilities specifically benefiting the development as required by the subdivision or site plan review regulations, or as otherwise authorized by law.

7.511 PREMATURE AND SCATTERED DEVELOPMENT

Nothing in this article shall be construed so as to limit the existing authority of the Planning Board to deny new proposed development which is scattered or premature, requires an excessive expenditure of public funds, or otherwise violates the Town of Raymond Zoning Ordinance, or the Raymond Planning Board Site Plan Review Regulations or Subdivision Regulations, or which may otherwise be lawfully denied.

7.512 REVIEW

The Impact Fee Assessment Schedule shall be reviewed annually by the Planning Board, according to the methodologies established within a report adopted by the Raymond Planning Board, and as amended. Such review may result in recommended adjustments in one or more of the fees based on the most recent data as may be available including, but not limited to, current construction cost information or capital improvement plans or programs, property assessment data, demographic data, U.S. Census information, and other sources. Based on its review, the Board may consider the adoption of an updated or amended impact fee methodology, or may modify the schedule to correct errors or inconsistencies identified in the review process. No change in the methodology or in the impact fee schedules shall become effective until it shall have been the subject of a public hearing before the Planning Board, noticed in accordance with RSA 675:7, and approved by the Board of Selectmen.

Type of Structure	School Impact Fee	Road Impact Fee
Single Family Detached	\$ 3,550.00	\$ 772.00
Two Family Dwelling Unit	\$ 2,666.00	\$ 443.00
Multi Family Townhouse	\$ 1,984.00	\$ 397.00
Multifamily Garden Apt	\$ 1,422.00	\$ 443.00
Manufactured Housing Lot	\$ 1,992.00	\$ 772.00
Manufactured Housing Park	\$ 1,992.00	\$ 451.00

Town	Types of Fees	Adoption Date	Effective Date	Last Updated	CIP Last Updated	When Assessed	When Collected	Waivers	Impact Fee Schedule
Bedford	1) School 2) Recreation 3) Roads	1993	1993	2001	Sept. 2004	Either at the time of planning board approval for a subdivision or site plan, or prior to the issuance of a building permit.	Before the issuance of a Certificate of Occupancy, or in the event that one is not required, then collection will be at the time a development is ready for intended use.	1) Wherever it can be shown that reduced impact or no new impact will be created due to mitigating circumstances.	Single Family Detached - \$5,684 (sch) / \$1,024 (rec) Townhouse - \$2,185 (sch) / \$648 (rec) Duplex - \$3,408 (sch) / \$407 (rec) Multifamily and Age 55 & over housing - \$1,808 (sch) / \$407 (rec) Manufactured Housing \$3,213 (sch) / \$757 (rec) Age 62 & over housing, Assisted Living/Nursing homes \$0 / \$0
Deerfield	1) Capital Facilities 2) Highway 3) School 4) Solid Waste	1993	12 Jan. 1994	1995	Nov. 2004	Prior to the issuance of a building permit	Before issuance of Certificate of Occupancy	1) School - A person undertaking new development that shows all or a portion of occupancy will be age 62 and over, and such restrictions will be maintained for at least 20 years.	Single Fam. Dwelling - \$2,469 (sch) / \$315 (waste) / \$511 (hwy) Multi Fam. Dwelling - \$1,394 (sch) / \$218 (waste) / \$319 (hwy) Mobile Home Dwelling - \$1,743 (sch) / \$288 (waste) / \$283 (hwy)
Goffstown	1) School 2) Recreation 3) Roads	13 Mar. 2001	13 Mar. 2001	N/A	Update due Oct. 2005	At the time of Planning Board approval of a subdivision or site plan.	Before the issuance of a Certificate of Occupancy	1) School Facilities - Housing for older persons defined by RSA 354-A:15 2) In lieu of cash payment, planning board will accept a proposed contribution of real property or facility improvements of equal value and utility to the public 3) Capital Facility - Where planning board finds subject property has previously been assessed for its proportionate share of public capital facility impacts, or has contributed payments, or has constructed capital facility capacity improvements equal in value to the waived fee 4) Where planning board finds that the development will not increase demand on capacity of capital facility or system for which impact fee is being assessed. 5) Based upon results of an independent study of the demand on capital facility and related costs attributable to that development.	Single Fam. Det. - \$3,768 (sch) / \$1,326 (safe) / \$695 (rec) Townse - \$1,260 (sch) / \$1,100 (safe) / \$567 (rec) Duplex - \$3,381 (sch) / \$1,298 (safe) / \$667 (rec) Multifam 3+ - \$926 (sch) / \$1,141 (safe) / \$579 (rec) Manufac. House - \$2,017 (sch) / \$937 (safe) / \$479 (rec) Per sq. ft. Industrial - \$1.03 (safe) Per sq. ft. Commercial - \$1.14 (safe)
Hooksett	1) School (2001) 2) Fire (10-02) 3) Police (10-02) 4) Recreation (10-02) 5) Roads - Pending	May 2001	May 2001	Oct. 2002	Update due Late 2005	Prior to the issuance of a building permit	Before the issuance of a Certificate of Occupancy	1) Public School - For residential units with lawfully restricted occupancy to persons age 62 and older, where such restrictions will be in place for at least 20 years. 2) In lieu of a cash payment, planning board may accept a proposed contribution of real property or facility improvements of equivalent value and utility to the public.	Single Detach - \$4,031 (2 bed, sch) Single Detach - \$6,134 (3 bed, sch) Single Detach - \$7,984 (4 bed, sch) Single Attach - \$2,650 (2 bed, sch) Single Attach - \$2,668 (3 bed, sch) Duplex - \$3,848 (2 bed, sch) Duplex - \$4,858 (3 bed, sch) Multifam 3+ - \$2,359 (sch) / \$985 (rec) / \$340 (police) Manufactured Housing - \$2,994 (sch) / \$793 (rec) / \$273 (police) Single Det - \$1,207 (rec) / \$380 (police) Single Attach - \$878 (rec) / \$313 (police) Duplex - \$1,143 (rec) / \$375 (police) Dwelling Units - \$120 (library) If project in West Fire Benefit Dist. - \$225
Londonderry	1) Fire 2) Library 3) Police 4) Recreation 5) School 6) Roads	10 Mar. 1994	10 Mar. 1994	2004	13 Oct. 2004	Prior to issuance of building permit	Before the issuance of a Certificate of Occupancy	1) Schools - In areas of new development for residential use where all or a portion of the population's age will be restricted to age 55 and older, and such restricted occupancy will be maintained for a period of 20 years. 2) Areas where all or a portion of occupancy will be restricted to those of low and moderate income, and such restricted occupancy will be maintained for 20 years. 3) Recreation - Areas where all or a portion of occupancy will be restricted to assisted living facilities for persons age 55 or older and/or disabled, and such restricted occupancy will be maintained for 20 years.	Sing Fam Det - \$2,733 (sch) / \$190 (fire) Sing Fam Attach - \$633 (sch) / \$188 (fire) Multi Fam 2 unit - \$1,789 (sch) / \$190 (fire) Multi Fam 3-4 unit - \$1,537 (sch) / \$196 (fire) Multi Fam 5+ unit - \$1,169 (sch) / \$146 (fire) Manufac. House - \$1,663 (sch) / \$176 (fire)
Manchester	1) Public Facilities 2) School 3) Roads	1994	1995	Sept. 2004	17 May 2005	Prior to issuance of a building permit	Before the issuance of a Certificate of Occupancy	1) Land or other capital facility improvements may be offered by the feepayer as a partial or total credit toward the Impact Fee. Must be identifiable dollar value.	Sing Fam Det - \$3,550 (sch) / \$772 (road) 2 Fam Dwelling - \$2,666 (sch) / \$443 (road) Multi Fam Townse - \$1,984 (sch) / \$397 (road) Multi Fam Garden - \$1,422 (sch) / \$443 (road) Manufac. House Lot - \$1,992 (sch) / \$772 (road) Manufac. House Park - \$1,992 (sch) / \$451 (road)
Raymond	1) School 2) Roads	13 Jan. 2005	13 Feb. 2005	N/A	27 July 2005 (update coming soon)	Prior to issuance of a building permit	On or before the issuance of a Certificate of Occupancy	1) School - For that number of developments which will exclude school age children, within developments in which all or a portion of the residents will be age 62 or older, and where such restriction will be in place for 20 years, or, by discretion of the planning board, for those units in a development that are otherwise restricted to occupancy by older persons in a lawful manner. 2) For any residential or non-residential development which was approved for construction prior to the effective date of the article.	