

From: Valerie Maurer

Sent: Thursday, January 10, 2008 7:54 AM

To: Plan-Link

Subject: [Plan-link] Impact Fee for a town-wide road plan?

Hello,

The Road Agent proposes spending \$ xxxx per year for various road upgrade projects. No specific details were provided. It is assumed that priorities will be set based on the pattern of housing development. This would be part of the 2008-2013 CIP.

Our Capital Improvement Committee is questioning if impact fees can be assessed for road upgrade projects if there is a town-wide plan.

Based on RSA 674:21-V(a), upgrading of existing infrastructure shall not be paid by impact fees. What about the creation of new sidewalks, creation of a new road to access a new municipal facility?

Valerie Maurer

The Town of Hudson had such a report prepared that became the basis for a road impact fee. Using an engineering firm, the Town projected specific capital improvements to designated road corridors. Those improvements were designed to provide additional roadway capacity based upon projected traffic flows that were expected to be produced by additional commercial/residential/residential development in the Town. So, such a method of impact fee assessment is perfectly permissible, but your Road Agent must be careful to factor out existing road way deficiencies that must be rectified irrespective of projected traffic growth. That is to say, if the existing road network in town is unable to handle existing traffic demands, you cannot use impact fees to fund road improvements that are not caused by new residential/commercial/industrial development.

Stephen C. Buckley, Esq.