

**TOWN OF RINDGE
NEW HAMPSHIRE**

GROWTH MANAGEMENT ORDINANCE

Adopted September 14, 2004

Amended March 11, 2008

Amended September 9, 2008

TOWN OF RINDGE

GROWTH MANAGEMENT ORDINANCE

A. Authority

This ordinance is enacted in accordance with RSA 674:22.

B. Purpose

The purpose of this Growth Management Ordinance is as follows:

1. Manage and regulate orderly growth in the Town of Rindge, while controlling the timing of development in accordance with the Master Plan, the Capital Improvement Program, and the Phased Development Ordinance.
2. Determine, evaluate, establish and monitor the rate of residential growth in the Town, which does not interfere with the Town's capacity for planned, orderly, and reasonable expansion of its services to accommodate such growth.
3. Provide a mechanism to reduce the rate of residential growth to allow time for the Town to correct any deficiencies that have developed, when schools, municipal services or facilities become strained or overloaded.

C. Findings

SUMMARY OF FINDINGS OF FACT
AS ADOPTED BY THE RINDGE PLANNING BOARD ON JULY 6, 2004 AND
DECEMBER 4, 2007

(SEE ALSO THE ATTACHED 2008 ADDENDUM TO THE 2004 FINDINGS OF FACT AS ADOPTED BY THE RINDGE PLANNING BOARD ON DECEMBER 4, 2007, INCLUDING (1) THE OCTOBER 23, 2007 LETTER FROM THE JAFFREY-RINDGE COOPERATIVE SCHOOL BOARD TO MS. KIM MCCUMMINGS, CHAIRMAN OF THE RINDGE PLANNING BOARD; (2) TABLE 1, STUDENT ENROLLMENT AS A PERCENT OF SCHOOL CAPACITIES, 2004 AND 2007; AND (3) TABLE 2, % GROWTH, 2004 THROUGH OCTOBER 2007.)

- In public forums and town meeting votes, the residents of Rindge have expressed a desire to maintain the rural character of the Town and protect its natural resources.
- Many good planning measures have been adopted in the past, but Rindge is experiencing a period of unprecedented residential growth, which threatens to undermine the desired objectives of Town residents.
- Rindge's population is growing at a rate significantly greater than its historic norm and the New Hampshire abutting towns and Cheshire County.
- Rindge has the highest estimated population growth rate of any municipality in Cheshire County through the year 2020.
- Rindge already has the third highest population density in Cheshire County.
- The average number of building permits issued per year in Rindge for new residential construction in the five (5) years from 1999 through 2003 (53) was almost triple the average number issued per year in the previous five (5) years (18).
- The number of building lots created by sub-division approvals in the past two (2) years (137) was ten (10) greater than the total number created in the previous eleven (11) years (127).
- The average number of building permits for new residential construction in Rindge in the past five (5) years (53) is 121% higher than in the abutting towns (24).
- From 2000 through 2002, the growth rate of residential units in Rindge was 47% greater than in abutting towns and 169% greater than in Cheshire County.
- From 2000 through 2004, the growth rate of residential units in Rindge was estimated at 75% greater than in abutting towns.

- Conant High School is at 150% of capacity, Jaffrey Rindge Middle School is at 136% of capacity, and Rindge Memorial School is at 94% of capacity.
- All Town facilities are either at or above 100% of capacity, despite significant expenditures in the past five (5) years to alleviate the overload and attempt to keep up with the growth rate of Rindge.

D. Applicability

1. This ordinance applies to building permits for new residential dwelling units, as well as repair, replacement, reconstruction, or alteration of existing seasonal dwelling units if the proposed work will convert the unit for year-round residency.
2. This ordinance does not apply to non-residential building permits or permits for expansion or alteration of existing year-round or seasonal structures as long as there is no increase in the number of year-round dwelling units.
3. For purposes of this Ordinance, one building permit shall be required for each dwelling unit (e.g., one permit for a single family home, two permits for a duplex, etc.). For the purposes of this ordinance a dwelling unit is defined as one or more rooms, including cooking facilities and sanitary facilities, in a dwelling structure, designed as a single unit for occupancy and for living or sleeping purposes. A multi-unit dwelling is defined as any building or structure containing more than two (2) dwelling units.
4. In the case of multi-unit dwelling structures, the permit count that applies toward Sections F.1. and F.5. of this Ordinance shall be the number of dwelling units in such structures. This permit count shall hereinafter be referred to as GMO permits. The number of GMO permits may or may not be equal to the number of building permits to be obtained from the building department for construction.
5. Any renewal of a building permit issued prior to the effective date of this ordinance shall be included in the growth management limitation on building permits in effect at the time of renewal.

E. Administration

1. The Planning Board, the Board of Selectmen and the Building Inspector are hereby authorized to establish administrative procedures necessary to implement this ordinance. All such procedures shall be posted.
2. The baseline data for developing housing unit counts in Rindge and the four abutting towns is the 2000 United States Census. The four abutting towns are Fitzwilliam, Jaffrey, New Ipswich and Sharon. The Building Inspector will be responsible for reporting building permit data for Rindge and the four abutting towns required for the application of this ordinance.

3. The Planning Board, at its first regularly scheduled meeting in February of each year, will report on the number of building permits issued for the previous calendar year for all residential dwelling units in Rindge and the four abutting towns. In addition, the Planning Board will report on the overall annual average percent increase in residential dwelling units for the four abutting towns, as well as Rindge, for the previous calendar year. The percent increase in residential dwelling units will be calculated by dividing the number of permits issued for new residential dwelling units in a town in the previous calendar year by the number of residential units that existed in that town at the end of the year prior to the previous calendar year, and expressing the result of that calculation as a percent. The percentages calculated in this section will be used in Section F.1 to determine the number of building permits to be issued in the current calendar year for new residential dwelling units.

F. Equitable Allocation of Available Permits

1. The Planning Board, at its first regularly scheduled meeting in February of each year, will determine the number of building permits available for the calendar year by multiplying the previous year's overall average percent increase in residential dwelling units in the four towns abutting the Town of Rindge (as determined in Section E.3.) by the Town's housing unit base at the conclusion of the immediate past calendar year. This number shall be rounded to the nearest whole number.

However, the maximum number of building permits available in each calendar year shall not be greater than either:

a. The average number of permits issued in Rindge over the previous five years,

or

b. The average number of permits issued in the four abutting towns over the previous five years.

All numbers shall be rounded to the nearest whole number.

2. Within one week of the Planning Board's first regularly scheduled meeting in February of each year, the Planning Board will post a notice in the Town of the number of building permits allowed for that calendar year for the construction of new dwelling units. Building permits will issue as soon as possible thereafter according to the provisions of this ordinance.

3. The Town shall issue building permits for new dwelling units on a "first come-first served" basis, subject to the limitations set forth herein. In the event that the applications exceed the annual limitation determined in Section F.1. of this ordinance, those applications on the waiting list will be honored in January of the following year in chronological order, and will be counted toward the allowed total for that year.

4. A person may apply for a building permit for a new dwelling unit at any time. The Town shall maintain a waiting list of all applications, and applicants shall be placed on a waiting list in chronological order, based on the date and time of receipt of the completed application at the Town Office.

5. To ensure equitable distribution of available permits, no single individual, partnership, corporation, or other legal entity or its related or affiliated entities, or in the case of real persons, their immediate relatives or persons associated in business, may receive more than five (5) permits during any given calendar year, except under the provisions of Section G.3. However, after December 1, surplus permits may be issued to such individuals, partnerships, corporations or other legal entities if there is no other applicant remaining on the waiting list. Entities created or individuals used for the purpose of evading the limitations of this ordinance shall not be considered separate entities or individuals.

6. In order to be complete, building permit applications must be for lots approved by the Rindge Planning Board and registered in the Cheshire County Registry of Deeds, or lots of record also registered in the Cheshire County Registry of Deeds.

7. Notwithstanding the aforesaid "first come-first served" policy, 24 percent of the available permits for the first calendar year this ordinance is in effect shall be reserved for owners of single lots of record or lots that are not part of a sub-division containing more than three (3) lots, provided that the building is intended to be the lot owner's permanent residence. The percent in the previous sentence will be recalculated each year in February by determining, for the previous three (3) years, the percent, of total building permits, that were issued to owners of single lots of record or sub-divisions containing three (3) lots or less. The average of these percentages for the previous three (3) years, rounded to the nearest whole number, will replace the number 24 percent in the first sentence of this paragraph for the current calendar year.

8. Permits issued shall expire and be returned to the pool of available permits in the event that substantial construction, meaning foundation and stick framing or equivalent, has not occurred within one year of issue. A renewal application must then be filed with the Building Inspector.

9. A residential building permit approved under this ordinance shall be valid only for the site specified on the permit application. Should the property be conveyed, the permit shall run with the land, but the expiration date shall remain unchanged.

G. Exceptions

1. In the event of damage, destruction, or demolition of any dwelling, the dwelling may be rebuilt, provided that such construction does not result in any additional dwelling unit.

2. Proposals for Student Housing (see definition: Article XIX (31) of the Rindge Zoning Ordinance) are exempt upon a finding by the Planning Board that the proposed Student Housing is located within the College District as defined by the Town of Rindge Zoning Map and further provided that the proposed Student Housing complies in all other regards with the Rindge Zoning Ordinance and other applicable regulations.

3. Multi-unit Dwelling Projects. The intent of this paragraph 3 is to remove the financial disadvantage of a limited number of building permits available for a multi-unit dwelling project, including Elderly Housing, (see definition: Article XIX (15) of the Rindge Zoning Ordinance) while at the same time, accomplishing the purpose of the Growth Management Ordinance set forth in Section B. and the equitable distribution of permits set forth in Section F.5.

In order to make the development of multi-unit dwellings practical, an applicant seeking permission to build more than five (5) dwelling units in a single structure shall be granted all building permits necessary to construct such housing, unless the building permit limitations of Sections F.1. and/or Section F.5. are exceeded for the calendar year at the time the building permits are applied for. In that case, the provisions of Section F.3. of this Ordinance shall apply.

Up to five (5) GMO permits, as described in Section D.3., shall count toward the building permit limit for the Town and the applicant in Sections F.1. and F.5. in the calendar year the permits are granted.

All remaining GMO permits granted shall be accounted for in the following manner:

- a. In the calendar year in which the building permits are initially granted, the surplus permit provision of Section F.5. shall be applied toward the remaining GMO permits.
- b. On January 1 of the following calendar year, up to five (5) GMO permits will be counted toward the limitation for the Town and the applicant.
- c. If required, the surplus permit provision of Section F.5. shall then be applied after December 1 of that calendar year.
- d. This method will be repeated every year until the total number of GMO permits counted for the project is equal to the total number of GMO permits issued for the project.
- e. In any calendar year in which an applicant receives five (5) GMO permits, that applicant shall not be eligible for any additional residential building permits or GMO permits, except as provided for in Section F.5 of this Ordinance.

H. Surplus Permits

If on December 31st of any year there are available building permits for new Dwelling Units that have not been applied for, they shall not be utilized or added into the annual limitation for the following year.

I. Severability

Should any part of this ordinance be held invalid or unconstitutional by a court, such holding shall not affect, impair or invalidate any other part of this ordinance, and, to such end, all sections and provisions of this ordinance are declared to be severable.

J. Conflicts

In matters governed by this ordinance, this ordinance shall supersede conflicting local ordinances and regulations.

K. Effective Dates (Amended by the Rindge Special Town Meeting, September 9, 2008.)

This ordinance becomes effective upon adoption and shall remain in effect until 11:59 PM, March 31, 2011. However, the Planning Board shall annually review the need for the ordinance and send a status report on growth and the progress Rindge has made toward improving its capital facilities to the Board of Selectmen by January 1 of each year the ordinance is in effect. If the Planning Board finds that the capital facilities needs have been resolved, then it shall make a recommendation for rescission of this ordinance. However, if any school in the Jaffrey Rindge Cooperative School District attended by Rindge students is at an enrollment of 90%, or greater, of the capacity of that school, as determined by the Jaffrey-Rindge Cooperative School District School Board; or if the capital facilities needs of other municipal departments have not been resolved, as determined by the Board of Selectmen, then the Planning Board shall recommend the extension of the Ordinance beyond 11:59 PM, March 31, 2011.

L. Enforcement

The Board of Selectmen shall be responsible for the enforcement of this ordinance.

M. Appeal

Unless otherwise specified in this Ordinance, any decision under the Growth Management Ordinance may be appealed in the same manner provided by statute for appeals for the officer or Board making that decision, as set forth in RSA 676:5, RSA 677: 2-14 and RSA 677:15.



JAFFREY-RINDGE
COOPERATIVE SCHOOL DISTRICT

School Administrative Unit #47

81 FITZGERALD DRIVE, UNIT 2
JAFFREY, NEW HAMPSHIRE 03452

PHONE: 603-532-8100

FAX: 603-532-8164

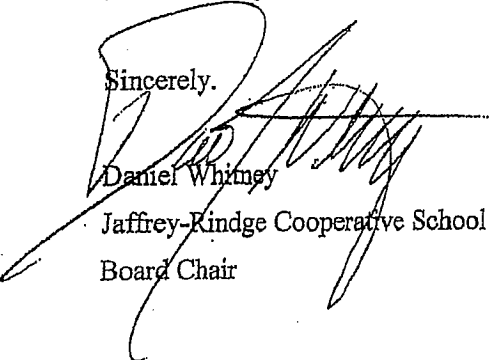
Tuesday, October 23, 2007
Rindge Planning Board
Town Office
30 Payson Hill Road
Rindge, NH 03461
Ms. Kim McCummings

Dear Ms. McCummings,

We have been asked to forward you an update regarding the District's Student Rate at the Conant High School, Jaffrey-Rindge Middle School and Rindge Memorial School as mandated by Rindge's Growth Management Ordinance and certified by the Jaffrey-Rindge Cooperative School District School Board.

If you have any questions or need additional please do not hesitate to either call our Board Secretary, Vivianne Rocheleau at 603 532-8100 x211 or by sending email to v.Rocheleau@sau47.k12.nh.us.

Sincerely,



Daniel Whimsey

Jaffrey-Rindge Cooperative School District
Board Chair

CC: David Tower
Tower, Crocker & Mullins, P.A.

STATE STANDARDS – SQUARE FOOTAGE/STUDENT

Elementary – 120 sq. ft. per student

Middle – 140 sq. ft. per student

High – 160 sq ft. student

Conant High School

Building Square Footage 60,000

½ Pratt Square Footage 3,250

Total Square Footage 63,250 SF

63,250 divided by 160 = 395

Note: 2 modulars on site (1) 4-classroom and (1) 2-classroom

Student Capacity (without modulars) = 395

07-08 enrollment = 489

Jaffrey-Rindge Middle School

Building Square Footage 38,000

½ Pratt Square Footage 3,250

Total Square Footage 41,250 SF

41,250 divided by 140 = 295

Student Capacity (without modulars) = 295

Note: 4 modulars on site (4) 2-classroom

New Addition: 9,350 sq feet divided by 140 = 67 students

07-08 enrollment = 414

Rindge Memorial School

Building Square Footage 51,500

Total Square Footage 51,500 SF

Note 1 modular on site (1) 4-classroom

51,500 divided by 120 = 429

Student Capacity (without modulars) = 429

07-08 enrollment = 421

TABLE 1

STUDENT ENROLLMENT AS A PERCENT OF SCHOOL CAPACITIES
2004 AND 2007

| | 2004 | 2007 |
|------------------------|-------------|-------------------|
| Conant High School | 150% | 124% |
| J-R Middle School | 136% | 114% * 140% ** |
| Rindge Memorial School | 94% | 98% |

* Including expansion currently under construction

** Without expansion currently under construction

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TABLE 2

% GROWTH, 2004 THROUGH OCTOBER 2007

| <u>TOWN</u> | <u>2004</u> | | | <u>2005</u> | | | <u>2006</u> | | | <u>2007</u> | | <u>% GROWTH</u> |
|-------------|------------------------------|----------------|-----------------|------------------------------|----------------|-----------------|------------------------------|----------------|-----------------|------------------------------|-------------------|-----------------|
| | <u>UNITS @ START OF YEAR</u> | <u>PERMITS</u> | <u>% GROWTH</u> | <u>UNITS @ START OF YEAR</u> | <u>PERMITS</u> | <u>% GROWTH</u> | <u>UNITS @ START OF YEAR</u> | <u>PERMITS</u> | <u>% GROWTH</u> | <u>UNITS @ START OF YEAR</u> | <u>PERMITS **</u> | |
| Fitzwilliam | 1135 | 14 | 1.2 | 1149 | 9 | 0.8 | 1158 | 11 | 0.9 | 1169 | 9 | 0.8 |
| Jaffrey | 2477 | 23 | 0.9 | 2500 | 19 | 0.8 | 2519 | 19 | 0.8 | 2538 | 22 | 0.9 |
| New Ipswich | 1678 | 22 | 1.3 | 1700 | 41 | 2.4 | 1741 | 39 | 2.2 | 1780 | 32 | 1.8 |
| Sharon | 163 | 4 | 2.5 | 167 | 2 | 1.2 | 169 | 1 | 0.6 | 170 | 3 | 1.8 |
| Average | | | 1.5 | | | 1.3 | | | 1.1 | | | 1.3 |
| Rindge | 2102 | 82 | 3.9 | 2184 | 41 | 1.9 | 2225 | 27 | 1.2 | 2252 | 18 | 0.8 |

SUMMARY OF % GROWTH, 2005 THROUGH OCTOBER 2007

| <u>TOWN</u> | <u>UNITS @ START OF 2005</u> | <u>RMITS ISSU 2005-11/2/07</u> | <u>% GROWTH</u> |
|-------------|------------------------------|--------------------------------|-----------------|
| Fitzwilliam | 1149 | 29 | 2.5 |
| Jaffrey | 2500 | 60 | 2.4 |
| New Ipswich | 1700 | 112 | 6.6 |
| Sharon | 167 | 6 | 3.6 |
| Average | | | 3.8 |
| Rindge | 2184 | 86 | 3.9 |

** PERMITS AS OF 11/2/07.