

MONT VERNON PLANNING BOARD**Public Meeting****July 9, 2019****AGENDA**

Times are approximate and subject to change without notice.

- 7:00 pm Continuation of Roberge Hearing, Salisbury Road Subdivision
- 8:00 pm Justin Gamache, Old Mill Estates
- 8:30 pm Other Business
Mail & Announcements
Review Minutes from 6/11/19
- 9:00 pm Adjournment

Present: Bill **McKinney**, Steve **Bennett**, Bill **Johnson**, Tim **Berry**, Charles **Baker**, Michelle **Riesselman**

Absent: Rebecca **Schwarz**, Dave **Hall**, Eric **Will**, Chip **Spalding**, Jim **Bird**

7:00 PM - Continuation of Roberge Hearing, Salisbury Road Subdivision

McKinney called the meeting to order and had everyone stand for the Pledge of Allegiance. Present for the continued hearing were Steve and Kim Roberge as well as Fire Chief Jay Wilson and Fire Ward Randy Wilson. **McKinney** noted in summary that at this point we do not have a completed application. Kim Roberge confirmed that no, we do not have a completed application including revised plans. She went on to explain the reason being that when they initially came before the Board they were looking for some feedback. They were under a time constraint with the lot they are building on and had to make some decisions. They have decided to sprinkle that house. Roberge went on to say that she finds it hard not to take personally the comments from the Fire Chief insinuating in any manner that as a Selectman she is forcing a personal agenda and suggesting that she doesn't intend to abide by the rules set forth by the Planning Board. She doesn't feel that their application for an amendment is doing anything to try and circumvent the rules. They wanted a clear outline as to what rules, laws and codes the Planning Board and the Fire Dept. are enforcing in the town of Mont Vernon. They could not find any clear guidelines to go by. Their understanding is that the Planning Board and the town can only enforce and take action on state RSA's and NH adopted building and fire codes unless the town has adopted ordinances that are more restrictive. They presume that this is an accurate statement; they cannot find anything that states different. **McKinney** stopped her there stating that he feels we are now into a discussion piece beyond the public hearing. We have an incomplete application; he will accept a motion to the Board for a continuance of the hearing absent of a complete application or a motion to close the hearing and vote not to grant an amendment to the plan. **Johnson** motioned to close the hearing seconded by **Berry**. **Bennett** is not sure why we need to do that at this point. They came before us and specifically asked us to remove a condition off the plan and were told it is not likely as under the circumstances some form of fire protection is warranted. This subdivision was done in 2005; the prohibition against requiring sprinkler systems was put into place well after that. There were six choices of fire suppression; for some reason a sprinkler system was chosen. They have stated that they are in fact going to sprinkle the house. **Bennett** feels that they don't need a decision from the Planning Board anymore. He asked if they are planning on amending their application; it is not clear what they want to do. **Roberge** said yes, they want to take all the lots and merge back into the mother lot and then re-subdivide it with different lot configurations keeping two lots with current use acreage and two lots without. That will be a brand new subdivision plan. Roberge said they want a clear understanding of what the requirements are to determine if they should look to amend the plan or do a re-subdivision. She is still not clear. **Bennett** suggested it might be better to continue to a date certain three months down the road. **Johnson** noted that if their intent is to abort the current subdivision plan and come back with a new subdivision plan with different lot lines and configurations, they would need to start from scratch. Roberge is not clear on what she has to do. **McKinney** stated that she has had a lot of questions about codes. He did some research and contacted the State Fire Marshalls office and got some history from them. At the time their subdivision was approved (2005), the 2003 edition of NFPA1 was in effect. He confirmed that NFPA1 did

apply to all new constructions in conjunction with the building code including one and two family homes. It does not necessarily apply to one and two family existing homes. NFPA1 does apply to subdivisions. The 2003 edition of NFPA1 refers to the 2001 edition of NFPA1142. This is where you get into standards of suburban and rural fire requirements. It gives several reasons that determine when you need fire protection, such as limited Fire Dept. resources, extended Fire Dept. response times, delayed alarms, limited access, hazardous vegetation, structural attachments such as decks and porches, and unusual terrain. The Fire Dept. has to determine the classified hazard level of the building. Residential structures are classified as a hazard level 7. They then use a formula to determine the minimum water supply needed to fight a fire. In summary, rural water supply is required. In 2005 no law existed that prevented the Fire Dept. from requiring sprinklers in one & two family dwellings. Note #17 of the recorded plan requires residential sprinklers. In 2011, the new law prohibited municipalities without existing sprinkler ordinances from requiring sprinklers in one & two family dwellings. In 2012 the law was amended to allow sprinklers to be offered in lieu of other forms of water supply and grants municipalities the authority to enforce. Roberge said she understands what happened back in 2005; but what happens now. She can't find anything that the town of Mont Vernon has adopted nor that the state of NH has in effect as of this point that tells her anything in regard to conventional subdivisions. What is the fire plan today? What code or standard is the Planning Board holding conventional subdivisions to as they reconfigure their lots in a conventional manner? **McKinney** stated that they will still be looking at those criteria when you look at NFPA1 which is going to refer you again back to rural fire protection. Roberge said that she does not believe that in a conventional subdivision that meets all the criteria that is outlined in the Planning Board Regulations, negotiation or compromise can be required without specific guidelines. The specific guidelines say that you cannot require sprinkler systems in one and two family homes. No more sprinkler systems are required. She said that maybe the state Fire Marshall's office will tell her something different or send her something different. **McKinney** and **Bennett** agreed; we cannot require sprinkler systems. Roberge asked then what can we require. **McKinney** responded that there are several options: pond with drafting site, pond with dry hydrants, below ground cisterns or above ground storage tanks to sprinklers to meet the water flow the Fire Dept. determines they would need to fight a fire in a conventional home. **Bennett** said the law never stated there was no need for fire protection. Roberge said so as to be clear, in any subdivision coming before the Planning Board, whether single or multiple lots, if they're not sprinkling their home, what is the clear requirement? **Bennett** said it is obvious that you are here to argue about this. Those are your options. Go to an engineer; they know the options available. **McKinney** read the Standard on Water Supplies for Suburban and Rural Fire Fighting Scope: This standard identifies a method of determining the minimum requirements for alternative water supplies for structural fire-fighting purposes in areas where the authority having jurisdiction determines that adequate and reliable water supply systems for fire-fighting purposes do not otherwise exist. The Fire Department is the authority having jurisdiction. Ultimately the Planning Board does not need a fire protection regulation or a sprinkler ordinance in order to rely on the Fire Chief and the Fire Wards to come forward with their best beliefs on what is going to provide the best protection in the community. Roberge requested that the defunct dry hydrant on Salisbury Rd. be removed from the town map and that the residents within 2000 feet of it be notified by the Fire Dept. that this hydrant is not functional and that they are made aware of the possible risk of inadequate fire protection and possible life and safety concerns raised by the Chief. Roberge requested a continuance of the hearing. **Johnson** motioned to withdraw acting on the hearing. **McKinney** recommended to the Roberge's that they have whoever is doing their subdivision work sit down with the Fire Chief to figure out what they will need for fire protection because we will rely on the recommendations from the Fire Chief as the authority having jurisdiction. **Bennett** motioned, seconded by **Johnson** to continue the hearing to September 10, 2019. All in favor, the motion passed. Chief Wilson clarified that they never adopted NFPA codes because the state adopted them. They enforce through the state. If someone gives them a hard time about it they call the state Fire Marshalls office down, but they usually negotiate. That's how things have been done for the past 25+ years. They present what they think is an option; usually a sprinkler or a cistern, or in the case of Beech Hill put in a fire pond. The developer then makes their decision on what they prefer to do. They had never accepted the Salisbury Road dry hydrant because it didn't last a year. The people who installed it walked away from it and the town was stuck with it. It's in a terrible location. They actually clogged the pump out there trying to do a draft. That's probably why the Roberge's were told in 2005 to put in a cistern (30,000 gallons), sprinklers, or build a new pond somewhere (50,000+ gallons). He stated that he is not sure what the confusion is, but even if the Roberge's come back with a new subdivision plan, Chief Wilson will still say that due to the distance, time frame and terrain, here are the recommendations we have in order to meet a minimum of 500 gallon per minute flow up to 1000 gallon per minute flow within certain distance of the dwelling. Chief Wilson stated that he did reach out to Kim Roberge after the initial hearing to see if they could meet to discuss options. She responded that it was not a good night with no further communication. **McKinney** said he understands. The Planning Board does not make the decision on fire protection. That is why we have a Board of Fire Wards, a Fire Department and a Fire Chief. It is very clear that some form of fire protection is required. Chief Wilson said that back in 2005 when this subdivision was approved, the Roberge's weren't forced to do this; an agreement was reached. He compared this to Bancroft Circle – originally a cistern was going to be put in. They instead decided to sprinkle the houses. On Cheever Lane and Dow Road they put in cisterns because they didn't want the expense of sprinkling each house. Salisbury Road, because of the distance, time frame and terrain – it is comparable to reaching Whiting Lane. It's the furthest distance they have to go in town and probably has a 12 minute response time. In hindsight he feels that on Whiting they should have had those homes sprinkled; as it stands they have to use the cistern on Westgate Road. **McKinney** suggested that it might be worthwhile for us to reference NFPA1142 in our subdivision regulations and state that NFPA1142 will dictate all fire protection in the community of Mont Vernon for all subdivisions based upon the recommendations of the authority having jurisdiction. All were in agreement.

7:45 PM

The Board reviewed the minutes from 6/11/19. **Bennett** motioned to accept the minutes as written seconded by **Berry**. All were in favor, the motion passed. **Baker** stated that the Facilities Chapter of the Master Plan has been revised. They just need to meet to finalize what charts will be included.

8:00 PM Justin Gamache, Old Mill Estates

Justin Gamache came before the Board to discuss his road bond. Also present was Ben Crosby, Highway Director. Gamache presented his request for a road bond reduction based on the completed drainage work and on-site work. Essentially everything is complete except for final pavement, granite bounds and guardrails. In regards to the erosion control reduction, **McKinney** asked if the fabric fencing has been removed. Gamache said there may be a few pieces that need to be removed. The drainage work has been completed; Meridian will have to go and do final construction inspections on the road. **Johnson** inquired about road compaction testing. Gamache stated that in our discussions in previous meetings he did set a proposal to do compaction testing in random placements but it was determined that it would be a better idea to hold the road over time. Gamache would maintain ownership and maintenance of the road so we can inspect the roads wear and tear over two years or so. It was paved in 2017. Crosby says that there are a couple stress cracks but nothing alarming. He hasn't seen any negative impact. **McKinney** said our options on this are for Gamache to maintain ownership of the road for a period of time to be determined or we can look at a maintenance bond. Crosby agrees with the maintenance bond. **Berry** asked when Gamache plans to do the wearing course pavement. Gamache says as soon as the heavy machinery is out of there; he has two lots left to excavate. He says that realistically since he will be holding ownership of the road through the winter he might as well wait to do the wear course until the spring when everything is completed. The Board went over the rest of the road bond figures. Johnson motioned to reduce the road bond by \$40,613.00 seconded by **Bennett**. All in favor, the motion passed. The new bond amount will be \$119,363.00. The guardrails were discussed. Gamache next spoke about the granite bounds. There are 77 bounds to be installed. He would like to use granite bounds at the road and use iron pins for all the rest of the markers due to the ease of installation and the cost of granite bounds. It was explained to him that it is in our regulations that all bounds have to be granite - III-605.1(v).

8:30 PM

Crosby brought up Purgatory Road. He feels we should hold them off on doing the topcoat. He'd like to have them wait until spring. The Board agreed.

8:45 PM

As there was no further business before the Board, **Bennett** motioned seconded by **Johnson** to adjourn. All were in favor, the motion passed.

Respectfully submitted,
Joan Cleary