

Planning Board January 9, 2013

Members Present: Barry Hantman-Chairman, Chip Current, Haeyoon Jacobus, George Manos, John Russo, Chris Giordano-Selectmen's Representative,

Excused members: Janet Denison-clerk

Others Present: Fire Chief Steve Woitkun, Robert Moore, Marcelina Manos

Minutes

Minutes of December 12, 2013 were reviewed and one correction was made. Chris made and Chip seconded a **motion to approve the December 12, 2013 minutes as amended**. The motion **passed** unanimously.

Other Business

Planning Board will have open positions on the ballot: three 3-year positions and two 1-year positions. George and Haeyoon were encouraged to have their names on the ballot. There are openings on the Planning Board for alternates. These do not need to be on the ballot.

Chip sent the Capital Improvement Plan update. Updating the Master Plan will be put on the agenda early this year. George has been working with the RPC to update data. Treasurer Betsy Sanders will get updated balances to Chip who will add this to CIP.

There was a short discussion about zoning article #14 regarding building location. Barry reiterated that this is a "fall back" in case something was overlooked elsewhere in the Zoning Ordinance.

Citizen's Petition Warrant Article public hearing

The following petition was submitted by a resident:

To see if the town will vote to eliminate Zoning Ordinance article VII S, subsection 4a, Sprinkler Systems and abide by State Regulation regarding sprinklers

(Paragraph V effective September 8, 2013; see also paragraph V set out above.)

V. No municipality or local land use board as defined in RSA 672:7 shall adopt any ordinance, regulation, code, or administrative practice requiring the installation of automatic fire suppression sprinklers in any new or existing detached one- or 2 family dwelling unit in a structure used only for residential purposes. Notwithstanding any provision of law to the contrary, no municipality or local land use board shall enforce any existing ordinance, regulation, code, or administrative practice requiring the installation or use of automatic fire suppression sprinklers in any manufactured housing unit as defined in RSA 674:31 situated in a manufactured housing park as defined in RSA 205-A:1,II.

The Town Clerk confirmed that sufficient valid signatures were on the petition. It was also forwarded to town council who commented that, although it could have been worded differently, it is a legal petition. It is now before the Planning Board for a public hearing. The Board cannot make any changes. It is also not discussed at the Deliberative Session. The role of the Board is to offer a recommendation either for or against it.

The lead petitioner was not present. The hearing was opened to the public. Bob Moore asked for a clarification on how, if the town voted for it, this would amend the Zoning Ordinance. It was explained that the section regarding sprinklers would be eliminated. Chris stated that if someone chooses to not put in sprinkler, they would be required to install a cistern. Barry thought the RSA was included in the petition as a basis for their article.

Barry read from Article VII.S.4 which states a new development has one of three options for fire suppression. The petition will remove the section on sprinklers. Mr. Moore asked about the Board not being able to require someone to install sprinklers. Barry explained the state fire marshall and town council were consulted when the new state law was passed which states no municipality may adopt a sprinkler ordinance. Both concur the ordinance in Danville is legal and enforceable.

Barry read an email from Peter Loughlin which was confusing: "Because the town of Danville had adopted an ordinance requiring a fire suppression system for single-family homes prior to the state prohibition on such ordinances, the town can't continue to enforce that ordinance. RSA 674:36 IV, provides that the planning board cannot adopt a regulation requiring installation of the fire suppression sprinkler system in a one a two-family residence as a condition of approval. It is my understanding that the Danville planning board is not establishing the requirement for a fire suppression system but rather that it comes about as a result of the existing ordinance." It is believed the first sentence has a typo and Mr. Loughlin did not mean to negate his prior statements.

It was explained that Danville had the fire suppression section of the ordinance in place before the state law was amended. Barry further explained the Danville Ordinance offers three methods of fire suppression and sprinklers are one of those options. The petition will restrict the ordinance to two options.

There was a short discussion about the cost to an individual building one home versus a developer building several homes. A cistern could be shared by several homes, thus sharing the cost, but an individual would not be able to share costs. Chief Woitkun pointed out the cistern is mandated when there are three or more homes being built.

Chief Woitkun said the petition is written erroneously. The ordinance has been in effect for over nine years and reiterated the fire marshall and town council agree the ordinance is valid as currently written. Barry offered his opinion that this is not going to have the effect the petitioner wanted; it will require a more expensive alternative unless the sprinkler design is the alternative choice decided. Manufactured housing units are treated differently and the developer has to show that they are exempt from the sprinkler requirement per HUD as stated in Article VII.S.3.

Barry said again he does not think this petition gets what the lead petitioner wanted but will actually accomplish the opposite.

Chris made and Chip seconded a **motion to close the public hearing**. The motion **passed** unanimously. Chris made and chip seconded a **motion to put this forward to the 2014 town warrant**.

Chris said, whether someone is for or against it, this ordinance was recommended by the Fire Chief years ago. As a Selectman and Planning Board member he supported this decision that has come from a department head. The town spoke in the vote years ago to support it also, and that's what should be listened to, not the relative few who signed the recent petition with selfish intent. He said the town was very fair to offer options and this is a safety issue and a smart thing to do.

Chris and Barry voted to put this forward to the 2014 ballot; Chip, George, John and Haeyoon abstained. The motion **passed**. It will appear on the town warrant as written.

Haeyoon asked if this will be confusing to the public. Barry said that regardless whether or not someone is in favor of fire suppression, he thought this petition will be detrimental to the Town as fire suppression will still be required and this simply removed sprinklers as an option. Town council was also asked about another article which modifies the sprinkler ordinance. Mr. Loughlin's response was that it will need to be sorted out after the vote but hopefully it won't come to that.

Barry did not recommend the article. Chris made and George seconded a **motion to add the words "Not recommended by the Planning Board."** Chip abstained. The motion **passed**. The tally will be 5-0-1 after the words "Not recommended by the Planning Board."

The Board reviewed whether or not to add any discussion to the town-wide mailer. This is done by the Board of Selectmen, but the Planning Board was advised years ago by Peter Loughlin to not add discussion to the zoning amendment articles. It was agreed the PB will not add any discussion to the mailer. There was a short discussion about whether or not to add comments. Chris suggested looking into adding some discussion in the introduction to the warrant article.

At 8:20pm Chris made and Chip seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted
Janet S. Denison

Agendas:

- January 23, 2014

7:30pm correspondence and minutes

7:40pm