

## **Planning Board Jan. 10, 2013**

Members Present: Barry Hantman-Chairman, Phil Emilio, John Russo, Chris Giordano-Selectmen's Representative, Janet Denison-clerk

Excused Members: Chip Current

Others Present: Betsy Sanders, Greg Michael, Chris Aslin, Karl Dubay, Norman Lee, Steve Woitkun, Carsten Springer

### Minutes

The minutes of December 13<sup>th</sup> were reviewed. Chris made and John seconded a **motion to approve the Dec. 13, 2012 minutes as written**. The motion **passed** unanimously.

The minutes of the site walk conducted December 15, 2012 were reviewed. Chris made and Phil seconded a **motion to approve the minutes of Dec. 15, 2012 as written**. John abstained. The motion **passed**.

### Proposed 2013 Warrant Articles

As discussed previously, the Board will dispense with reading the proposed Warrant Articles in their entirety.

#### 1. Citizen's Petition

The question was asked how this petition differed from the amendment proposed by the Planning Board. The two proposed amendments deal with different sections within the Zoning Ordinance. Phil explained he is not the lead petitioner but did sign the petition. The lead petitioner is aware of the Board's proposed amendment which deals with the definition of stone walls. The petitioned amendment is meant to clarify when a wall can be removed or replaced. Barry added that these two will not conflict, but that they have similar effects. He said, assuming both pass, it won't hurt to have both in the Ordinance.

There was a question about when this was brought to the Planning Board. The petitioner made the deadline for submission. Barry reminded the Board that the wording of the citizen's petition cannot be changed. Chris mentioned this clarifies the ordinance regarding stone walls. Phil made and John seconded a **motion to close the public hearing regarding the citizen's petition**. The motion **passed** unanimously. Phil made and Chris seconded a **motion to add the words "Recommended by the Planning Board" with a 4-0 vote**. The motion **passed** unanimously.

The Board discussed the following proposed amendments, continued from the previous discussion in December 2012:

#### 2. Zoning Article #8

To see if the Town of Danville will vote to amend Article IX.C of the Danville Zoning Ordinance regarding remedies for violations to clarify that work commencing prior to obtaining a permit and/or approval would be a violation. Specifically this would change Article IX.C to read:

C. REMEDIES FOR VIOLATIONS

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation hereof, or any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies may institute any appropriate action or proceedings to prevent such unlawful action to restrain, correct, or abate such violation, to prevent the occupancy of the building, structure or land, or any illegal act or use in or about such premises. This shall include the commencement of work requiring a permit and/or approval prior to obtaining that permit and/or approval.

There were no comments from the public. Chris made and John seconded a **motion to close the public hearing**. The motion **passed** unanimously. Chris made and John seconded a **motion to put the proposed amendment to the 2013 warrant**. Phil opposed. The motion **passed**. Chris made and John seconded a **motion to add the words Recommended by the Planning Board with a vote of 3-1**. The motion **passed** unanimously.

3. Zoning Article #10

To see if the Town of Danville will vote to approve a change to Article XIV of the Danville Zoning Ordinance which would expand the list of public facilities for which impact fees associated with new development can be assessed to include: municipal office facilities; public school facilities; public safety facilities; public road systems and rights-of-way; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; public recreation facilities, not including public open space; water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; and storm water, drainage and flood control facilities. Specifically, this would replace Article XIV, *Impact Fee Ordinance*, with the following:

**ARTICLE XIV**  
**Impact Fee Ordinance**

A. APPLICABILITY AND PURPOSE

The following regulations shall govern the assessment of impact fees to new development for their proportionate demand on public capital facilities. These regulations are authorized by RSA 674:21, V, and other pertinent state law, as an innovative land use control.

The public facilities for which impact fees may be assessed in Danville include municipal office facilities; public school facilities; public safety facilities; public road systems and rights-of-way; solid waste collection, transfer, recycling, processing and disposal facilities; public library facilities; public recreation facilities, not including public open space; water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; and storm water, drainage and flood control facilities.

The purpose of this Article is to:

1. Assist in the implementation of the Master Plan and Capital Improvements Program;
2. Enable the Town of Danville to assess an equitable share of the cost of public capital facilities to new development in proportion to its demand on capital facilities; and
3. Provide authority to the Planning Board to adopt appropriate methods to support proportionate impact fee assessments, and to provide for the administration thereof.

B. DEFINITIONS

1. Assessed property means any land or buildings comprising new development that are subject to an impact fee assessment under this article.
2. Assessment with respect to an impact fee means a notification issued by the Town of Danville, its Board of Selectmen, its Planning Board, or its Building Inspector, stating the amount of the impact fees due for an assessed property, and the schedule for its collection.
3. Collection with respect to an impact fee means the actual delivery of payment of the fee to the Town of Danville on behalf of an assessed property.
4. School District means the Timberlane Regional School District, of which Danville is a member municipality.
5. Fee payer means the applicant for the issuance of a building permit which could create new development.
6. New development, for the purpose of impact fee assessment, includes the following land use changes:
  - a. The construction of any new dwelling unit; or
  - b. Changes to an existing structure that would result in a net increase in the number of dwelling units; or
  - c. Construction of a new commercial/industrial building or any net increase in the gross floor area of an existing commercial/industrial building; or
  - d. The conversion of an existing use to another use that is determined by the Planning Board to result in a measurable net increase in the demand on the public capital facilities that are the subject of impact

fee assessment; however,

- e. New development shall not include the replacement of an existing manufactured housing unit or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in size, density, or type of use that would increase the demand on capital facilities for which impact fees are assessed.

7. Off-site improvements means highway, drainage, sewer and water upgrades or improvements that are necessitated by a development but which are located outside the boundaries of the property, as determined by the Planning Board during the course of subdivision plat or site plan approval.

C. IMPOSITION OF IMPACT FEES

1. The Planning Board is hereby authorized to assess impact fees in accordance with the standards set forth in this Article. The Planning Board shall have the authority to adopt regulations to implement the provisions of this Article and to delegate the administrative functions of impact fee assessment, collection and disbursement as necessary.
2. Impact fees may be assessed to new development to compensate the Town of Danville or the School District for the proportional share of capital facility costs associated with new development in Danville.
3. Any person or commercial entity who seeks a building permit for new development is hereby required to pay impact fees in accordance with the specific impact fee schedules adopted by the Planning Board, subject to the procedures and conditions established in this article.

D. COMPUTATION OF IMPACT FEE

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 Danville. 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. Such documentation shall be available for public inspection in the municipal office of the Town of Danville.
2. Impact fees will not exceed the costs of:
  - a. A share of the cost of planned public capital facilities, based on the proportionate demand on such facilities from new development; and/or

- b. Compensating the Town of Danville and/or the School District for a proportionate share of facility capacity that was provided in anticipation of new development.
3. The Planning Board may prepare, adopt, or amend studies, reports, or cost allocation procedures that are consistent with the above standards, and which define a basis for impact fee assessment for public capital facilities, and the impact fee assessment schedules thereof.
4. No methodology, cost allocation procedure, or other basis of assessment, nor related impact fee schedules, or changes in the basis of assessment or the fee schedules, shall become effective until it shall have been the subject of a public hearing before the Planning Board.
5. In the case of 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.

#### E. WAIVER OF IMPACT FEES

1. A person or commercial entity may request a full or partial waiver of school facility impact fees for residential uses in which all or a portion of the units will be lawfully restricted to persons age 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 so restricted in a lawful manner that is satisfactory to the Planning Board.
2. A person or commercial entity may request from the Planning Board a full or partial waiver of impact fees for development approved for construction prior to the effective date of an impact fee schedule adopted under this article if such development is entitled to the five year exemption provided by RSA 674:39. This waiver shall not be applicable to phases of a development in which active and substantial development, building and construction has not yet occurred in the phase in the development is be constructed.
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 involves 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 of impact fees may not be based on the value of exactions for 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.

4. For development approved for construction (including conditional approval) prior to 1 April 2013 for which an agreement was reached in writing between the applicant and the Town of Danville regarding payment of fees associated with the impact of the development, said agreement shall remain in force and no additional impact fees shall be due unless permitted by the agreement.

F. APPEALS OF IMPACT FEE ASSESSMENT

1. If a fee payer elects to appeal the amount of the impact fee, the appeal shall be made to the Zoning Board of Adjustment. In support of such appeal, the fee payer shall prepare and submit to the Zoning Board of Adjustment an independent fee calculation or other relevant study for the new development activity which is proposed, if applicable. The independent study by the fee payer shall set forth the specific reasons for departing from the adopted schedules and methodologies of the Town. The Zoning Board of Adjustment 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 fee payer unless the Zoning Board of Adjustment determines a different allocation of costs.
2. The decision of the Zoning Board of Adjustment may be appealed to the Superior Court as provided by RSA 677:2-14.

G. ASSESSMENT AND COLLECTION OF IMPACT FEES

The administrative process of assessment and collection of impact fees is delegated to the Building Inspector, subject to oversight by the Planning Board. Assessment and collection of impact fees shall be governed by the following procedures:

1. Where subdivision or site plan approval is required for new development, impact fees shall be assessed at the time of Planning Board approval of a subdivision plat or site plan based on the impact fee schedules then in effect. The amount of such assessment shall be applicable to subsequent building construction within the approved subdivision or site plan for a period of five years from the date of Planning Board approval. Once this five-year period has expired, remaining construction for which no building permit has been obtained shall be subject to the adopted fee schedule in force at the time of the building permit application.

2. With the exception of those plats and site plans meeting the conditions in (1) above, and when no other 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 a condition for, the issuance of a building permit. The impact fee schedule in force at the time of the building permit application shall apply.
3. Unless an impact fee is inapplicable to a particular development, or where the fee has been waived by the Planning Board, no building permit shall be issued for new development until the applicable impact fees have been assessed.
4. The Planning Board and fee payer may agree to another mutually acceptable schedule for payment. If an alternate schedule of payment is established, the Planning Board shall require the deposit of an irrevocable letter of credit or other acceptable performance and payment guarantee with the Town of Danville.
5. The Building Inspector shall not issue a Certificate of Occupancy for the development of an assessed property until the impact fee has been paid.

#### H. ADMINISTRATION OF FUNDS COLLECTED

1. All funds collected shall be properly identified and promptly transferred for deposit into a separate impact fee accounts for each category of impact fee assessment. This impact fee accounts shall be non-lapsing special revenue fund accounts and under no circumstances shall such revenues accrue to the General Fund.
2. 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 nine (9) years from the date of receipt of the impact fee payment associated with the issuance of each permit.
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 of Danville or the School District for the cost of the capital improvements for which they were collected, or to recoup the cost of capital improvements made in anticipation of the needs for which the impact fee was collected.
4. In the event that bonds or similar debt instruments have been or will be issued by the Town of Danville or the School District for capital improvements which are the subject of assessment, impact fees may be

transferred for the payment of debt service on such bonds or similar debt instruments.

5. 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. The report shall show the capital improvement category for which the fees were assessed and the date of assessment and collection of the fee. The report shall be sufficiently detailed as to allow the public to determine how the fees were applied, and whether the fees were expended, retained, or refunded.

I. REFUND OF FEES PAID

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:
  - a. 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
  - b. The Town of Danville, or 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 of 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 the 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.
2. 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.

J. ADDITIONAL ASSESSMENTS

Payment of the impact fee under this article does not restrict the Town of Danville or the Planning Board to require the payment of exactions for off-site improvements for highway, drainage, sewer and water upgrades necessitated by the development, in accordance with the provisions of RSA 674:21, V (j), 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.

K. PREMATURE AND SCATTERED DEVELOPMENT

Nothing in this article shall be construed so as to limit the existing authority of the Danville 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 Danville Zoning Ordinance, or the Danville Planning Board Site Plan Review Regulations or Subdivision Regulations, or which may otherwise be lawfully denied.

L. REVIEW OF FEE SCHEDULE AND BASIS OF ASSESSMENT

The Impact Fee Assessment Schedules and the underlying methodologies establishing those schedules shall be reviewed annually by the Planning Board. Such review may result in recommended adjustments in one or more of the fees based on the most recent data as may be available for the variables comprising the calculation of the fee. No change in the methodology or in the impact fee schedule 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. The methodology and the impact fee schedule shall not be modified more frequently than annually.

Betsy Sanders introduced herself as the treasurer of Danville since 2004. She said impact fees have been assessed since 1998 and she's recently read the laws governing them. She stated she's opposed to this amendment and submitted the following report:

***I am opposed to the proposed replacement of the current Impact Fee Ordinance for several reasons***

**The proposed ordinance is premature to introduce at this time:**

- 1. Without some "technical" changes to match current law and**
- 2. The addition of a study to support the types of fees to be collected and the dollar amounts approved by the planning board.**

And, I believe that this proposal is putting the "Cart before the Horse."

The cart is the ordinance as proposed. The horse is an approved impact fee study and schedule which are at this time missing from the ordinance. The ordinance as it is has no value without the justification of the fees and schedule.

A study can be done by a professional consultant at a cost to the town. I am not aware that any such appropriation is a part of the 2013 budget. Unless there is an approved appropriation for 2013, then the study and fees may have to wait until 2014!

If this ordinance is passed as is without the ability to collect the fees it has no value other than to expand the list of eligible fee types allowed by law. There are no written procedures or methodologies adopted by the Planning Board.

Since this proposed ordinance is intended to REPLACE the existing ordinance, then the ability to assess and collect school impact fees for public school facilities will cease until there are written standards supporting the fees.

**Assessment** "means a **notification issued** by the Town of Danville, its Board of Selectmen, or its Building Inspector, stating the amount of the impact fees due for an assessed property, and the schedule for collection."

Assessment and Collection “The administrative process of assessment and collection of impact fees is delegated to the Building Inspector.

Payment of Impact Fee:

RSA 674:V,(d) “All impact fees imposed....shall be assessed at the time planning board approval....”

“impact fees shall be collected at the time a certificate of occupancy is issued.”

In the past, the impact fee has been collected at the time of a building permit is issued, not at the time a certificate of occupancy is issued.

“Impact fee shall be non-lapsing special revenue fund accounts”

RSA 31:91-c can receive funds but requires town meeting to vote a specific amount out of a special revenue funds.

“The town treasurer shall maintain an updated record of the **current ownership.**”

Refund of Fees paid: “The **current owner of record of property** for which an impact fee has been paid shall be entitled to a refunds of that fee, plus accrued interest..”

Law only says “shall be refunded with any accrued interest..”

In recent court decision where the town of Londonderry asked the court who should impact fees returned to those who paid them or the current property owners. The judge ruled “that those who paid the fees would be eligible for refunds, regardless of who currently owns the property.”

***I opposed this proposed warrant article until such time that (1) language changes are made in accordance with written law (2) there is an approved appropriation for a formal study and (3) written procedures or methodologies are formally adopted by the planning board.***

Elisabeth Sanders  
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Danville, NH  
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Betsy explained further, a study needs to be done first that will support the impact fee schedule. There are 11 areas which are allowed to have impact fees and she said not all of these areas are likely to occur in Danville in the near future. These include: water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; municipal 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.

She said no impact fees were collected in 2012 and the current balance in the account is about \$43k. She said assessment and collection are two different things. Currently the fee is collected at the time a building permit is issued, but it should be collected when the occupancy permit is issued. She said the refund is due to the person who paid the fees, not necessarily the current owner. She

reiterated that she's against this proposed amendment. She suggested focusing on one area per year that can have fees imposed before amending zoning.

Mrs. Sanders explained a special revenue fund account requires a warrant for any amount withdrawn. She said a court case in Londonderry supports refunding unexpended impact fees to the original payor, not the current property owner.

It was explained that the ordinance currently allows impact fees for the school. The Board of Selectmen obtained a quote to have other studies done and this has been put into the 2013 budget. The decision was made to put the ordinance in place first because it gives the town the ability to impose fees if the town chooses to do so. It doesn't make sense to have studies done without the ability to implement the fee schedule. Chris stated this was reviewed by town counsel and the items noted by Mrs. Sanders were not mentioned.

Carsten Springer asked if there is any compelling reason this has to be done this year. Chris explained Bruce Mayberry has already been paid to draft this ordinance and money has been budgeted to have studies done this year. The Selectmen have planned for certain areas to be studied in the next few years, including impact to emergency services. He said we can't spend money for the studies if we don't even know if the ordinance will be passed by voters. Chris said the ordinance can sit in place until the decision is made to move forward with the fee schedule and having the ordinance gives the town the ability to move forward when the time comes. Additionally, many details have been streamlined in the proposed amendment. The town will have the ability to choose which sections can be done as the town sees fit.

Barry explained the idea of amending the impact fee schedule arose when a larger development was proposed for the town. This development would have little impact on the school but a large impact on town services, especially the Fire Department. It was apparent at the time this project was reviewed that the ordinance needs to be updated.

Mrs. Sanders said she doesn't understand why the town can't have a legitimate study done first. Chris said the studies shouldn't be done until the ordinance is in place. Section D.3 states the board "may" adopt procedures, not "must," and we haven't done so yet. There was a short discussion about whether this replaces or amends the existing ordinance. Barry said this is an amendment which replaces text. He said the list of areas which can have impact fees imposed came from the RSA. It was reiterated that having the entire list does not require the imposition of fees for those areas and it is unreasonable to state the town will never have any of these other facilities as no one can predict the future. He said the state may mandate certain things, just like they mandate municipalities having salt sheds.

There was a short discussion about the fees being proportional. If there is a plan for a certain project, impact fees can be imposed for that project if the ordinance is in place. These projects will also be in the capital improvement plan.

Mr. Springer stated his concern is that if the exhaustive list is given to the voters, this may be voted down and then the money set aside for the studies will be for naught. He said perhaps the list can be trimmed down to what is more likely. Looking at the recent past may help decide what studies to be done in the near future: a police station rather than a water treatment plant. Chris and Barry reiterated that the ordinance states fees may be imposed, not shall be, and being listed in the ordinance does not require imposition of fees.

There was a short discussion about the refund requirements. Barry explained the fees are assessed proportionally so one development will not have the entire burden of a new police station, for example. Phil stated that, if there is only a small development upon which fees are assessed for a police station, as an example, the town will have the burden of the remaining cost of the station, and historically the town votes against anything that costs money. Therefore the impact fees have to be refunded after six years, if the proposed station can't be built. Barry clarified that the monies from year one are refunded in year six, money from year two is refunded in year seven, etc. Chris reminded the Board that sometimes the state mandates infrastructure for municipalities, like the salt shed. He said the selectmen have slated the public safety studies first.

Mr. Springer said this ordinance is well-intended and the Board needs to focus on what can be done in the next few years. Chris stated that a lot of people have missed prior meetings during which these things were discussed. It has been agreed the studies will be done in a prioritized manner. The impact fee ordinance and studies have been discussed for years and it is being taken care of now.

Attorney Greg Michael addressed the Board, saying he's had experience with zoning and impact fees. He said this ordinance is a good idea and that having the ordinance in place now doesn't cost anything nor does it appropriate anything, but it allows the town to act. When the fees are collected, the town has six years to pass a warrant, and if it doesn't, the money is refunded. He said until the enabling legislation is in place, the voters can't vote for it. Once this is done, the town can develop a pro rata amount and the town will have the underpinnings of this legislation in order to move ahead.

There were no further comments from the public. Chris made and John seconded a **motion to close the public hearing**. The motion **passed** unanimously.

Chris made and John seconded a **motion to put this forward to the 2013 town ballot**. Phil said he'd like to see a study done before this is put in place. Barry said that if is put into place, there are some items brought up by Betsy that will need to be reviewed to improve this administratively. Chris said that with anything in zoning or other regulations, there are always loopholes that need to be fixed. Phil was opposed; Chris, John, and Barry voted in the affirmative. The motion **passed**. Chris made and John seconded a **motion to add the words "Recommended by the Planning Board," with a vote tally of 3-1**.

3. Fire Protection Zoning Article #1

To see if the Town of Danville will vote to amend the Town of Danville Zoning Ordinance to specify the requirements for smoke and carbon monoxide detectors. Specifically this would change Article VII.L to read:

ARTICLE VII.L Fire and Smoke Detectors

All new residential construction and mobile homes shall have smoke and carbon monoxide detectors that conform to current State of NH Fire Code Standards.

There were no comments from the public. Chris made and John seconded a **motion to close the public hearing**. The motion **passed** unanimously. Chris made and John seconded a **motion to put the Fire Protection zoning article #1 to the 2013 town warrant**. The motion **passed** unanimously. John made and Phil seconded a **motion to add the words "Recommended by the Planning Board" with a tally vote of 4-0**. The motion **passed** unanimously.

4. Fire Protection Zoning Article #2

To see if the Town of Danville will vote to amend the Town of Danville Zoning Ordinance to specify the sprinkler system requirements for commercial buildings. Specifically this would change Article VII.S.4.a.9 to read:

ARTICLE VII.S.4.a.9 Sprinkler Systems for Commercial Buildings

- A. All commercial development with square footage over 2000 sq ft, even if subdivided to smaller units, must be protected throughout by an approved automatic sprinkler system in compliance with the requirements of NFPA-13 and maintained according to NFPA-25.
- B. All commercial development with square footage over 2000 sq ft, even if subdivided to smaller units, must be protected with a monitored Fire Alarm system in compliance with the requirements of NFPA-72.
- C. All commercial development shall have a Knox High Security Master Key Retention System approved by the Fire Chief or designee.

There were no comments from the public. Chris made and John seconded a **motion to close the public hearing**. The motion **passed** unanimously. Chris made and John seconded a **motion to put the Fire Protection zoning article #2 to the 2013 town warrant**. Phil opposed. The motion **passed**. Chris made and John seconded a **motion to add the words “Recommended by the Planning Board” with a tally vote of 3-1**. The motion **passed** unanimously.

5. Monarch Village-stage 2 site plan review

Karl Dubay distributed plans for the Board’s review. Greg Michael said they have taken prior comments from this Board and others’ reviews and made a new plan. This has 46 units total; they are garden style condo units in a cluster development. He said they believe the only zoning issue may be the existing historical structure. They have used three parking spaces per unit, as the regulation states, even though they don’t like it. The plans show greyed parking spaces, indicating a 2.5 space per unit calculation. The greyed areas can be rounded and landscaped, but it will be left available to have 3 spaces per unit.

The existing home at the site was discussed briefly. Mr. Lee said the front of the home has more historical features than the rear portion. Both the front and back have structural issues and he is in favor of saving the historical portion of the building, possibly rebuilding the other portion. The building is being considered for restoration to be used by the residents for gatherings.

The footprint of the units will conform to the regulations and occupancy requirements. The road will be built to town standards. The first portion may be built first, developing only the first ten units. The road may have a hammerhead turn-around at that time. The total length of the proposed road, Lisa Lane, will be 1200’. Incorporating a right-of-way to the abutting properties can be discussed at a later time.

There has not been an engineering review on these new plans yet. Barry said these look, at a high level, like plans that can proceed to final approval. Mr. Dubay said after he finishes plans for the road design, this can be sent to the town engineer for review. Mr. Dubay agreed to wait for instructions from the Board before sending this for an engineer review.

The hearing will continue on January 24<sup>th</sup> at 7:40pm.

6. Hoyt Subdivision/Excavation

The Board received a letter from Charlie Zilch dated Jan. 10, 2013 asking for an extension for both the subdivision and excavation reclamation plans. Chris **made and John seconded a motion to extend the review period for the Hoyt subdivision and excavation reclamation plans to February 25, 2013.** The motion **passed** unanimously.

The Board received from NHDES Alteration of Terrain, dated December 21, 2012, approval for the Hoyt project. This was added to the file.

Extensive comments, dated January 2, 2013, were received from Dennis Quintal of Civil Construction Management, Inc. regarding the Hoyt Restoration project. This was added to the file.

7. Other Business

Chris made and John seconded a **motion to put the 2012 report, as written by Barry, to the Town Report.** The motion **passed** unanimously.

The Board discussed the three outstanding conditions left for the Charter Brothers minor site plan review. It appeared the conditions had been met. Chris made and John seconded a **motion to grant final approval for the 3-161-1-1 minor site plan review.** The motion **passed** unanimously.

Barry mentioned the positions on the Board that will appear on the ballot: one 3-year term, two 2-year terms, and one 1-year term. Alternate positions are available also; these will not be on the ballot.

Barry mentioned how impressed he and Chris were with the report received from Dennis Quintal. Chris suggested changing our town engineer to Dennis Quintal. He said many of the details in the report should have come up with the gravel pit inspections, but didn't, thus the problems that have arisen with the gravel pit.

As the Board of Selectmen chooses the engineer, Barry suggested that board look into the process of how to select an engineer, whether it needs to go out to bid or advertised in some way. Barry suggested that the Monarch Village plans be sent to Terry Trudel as he's been the reviewing engineer on this project from the beginning. Chris reminded the Board that Mr. Quintal is local and many engineers will charge for travel time to attend meetings.

At 9:30pm Chris made and John seconded a **motion to adjourn.** The motion **passed** unanimously.

Respectfully submitted  
Janet S. Denison