

**LINCOLN PLANNING BOARD
REGULAR MEETING MINUTES
WEDNESDAY, JUNE 10, 2015 – 6:00PM
LINCOLN TOWN HALL - 148 MAIN STREET, LINCOLN NH**

APPROVED

Present: Chairman Jim Spanos, OJ Robinson - Selectmen's Representative, John Hettinger, Paula Strickon, Ron Beard (alternate & Fire Chief), Taylor Beaudin (alternate), Callum Grant (alternate), Norman Belanger (alternate)

Members Excused: Vice-Chairman R. Patrick Romprey

Members Absent: None

Staff Present: Planning and Zoning Administrator Carole Bont, and Wendy Tanner (recorder)

Staff Excused: Town Manager and Town Planner Alfred "Butch" Burbank,

Guests:

- Kevin McNamara Broker from Re/Max in the Mountains, 264 Main Street, Lincoln, NH 03251, representing applicant Rabbi Levi Krinsky of Chabad Lubavitch of NH, 7 Camelot Place, Manchester, NH 03104 and property owner Michael E. Cotto of 17 Open Trail Road, Sandwich, MA 02563-3120 (55 Main Street, Tax Map 112, Lot 066).
- Susan Chenard of Loon Reservation Service 264 Main Street, Suite 12, P.O. Box 785, Lincoln, NH 03251 also representing Rabbi Levi Krinsky
- Steve Smith, proprietor of the Mountain Wanderer book and map store located at 57 Main Street, Lincoln NH 03251
- Carol Smith wife of Steve Smith
- Barrie Weisman, MD of 67 Flume Road, Lincoln, NH 03251 representing Rabbi Levi Krinsky
- Annette Weisman of 67 Flume Road, Lincoln, NH 03251
- Alice Dam Shou, owner of the Kancamagus Country Store, 54 Main Street, Lincoln, NH 03251
- Alice Dam's friend – name unknown

- I. CALL TO ORDER** by the Chairman of Planning Board; announcement of excused absences, if any, and seating of alternates(s), if necessary.

The meeting was called to order at 6:00 PM.

Norman Belanger is seated for the hearing of Rabbi Levi Krinsky.

- II. CONSIDERATION** of meeting minutes from:

- May 27, 2015

Motion to approve the Minutes from May 27, 2015 with corrections as submitted.

Motion: John Hettinger **Second:** OJ Robinson

All in Favor: (4-0)

III. NEW BUSINESS

- A. **6:00 PM** – On Wednesday, April 22, 2015, at 7:00 pm, the Planning Board (PB) started the public hearing, and then continued the public hearing to April 29, 2015, at 6:00 pm on the application. On April 29, 2015, the Planning Board opened the public hearing and then continued the public hearing to a date certain - Wednesday, May 13, 2015, at 6:00 pm and then May 27, 2015. On May 27, 2015, the Planning Board again **opened the public hearing and then continued the public hearing to a date certain** – Wednesday, June 10, 2015, at 6:00 pm – and will consider the following matter:

1. **Site Plan Review - Application for Site Plan Review approval for change of use from residential duplex to multi-family housing.** Applicant David Rodgers d/b/a Great Stone Face Skier, LLC, requests Site Plan Review approval to change the use of a dwelling from a duplex to multifamily housing with three living units in accordance with Article VI of the Lincoln Site Plan Review Regulations, Section B,2 of the Land Use Plan Ordinance. The lot is 29 Main Street, (Tax Map 112, Lot 026) located in the Village Center (VC) District. Also included is a request that the Planning Board grant a waiver of the minimum lot size dimensional requirement of 15,000 sq. ft. per dwelling unit as permitted in the Village Center District by the Land Use Plan Ordinance. The property is owned by Great Stone Face Skier, LLC, PO Box 68, Lincoln, NH 03251-0068.

The Planning Board has been waiting for a report from the State Fire Marshal's Office before continuing this hearing. No report has been received by the State Fire Marshal's Office. Bont recommended that this hearing be postponed to a date and time specific of June 24, 2015, at 6:00 pm.

Motion to continue application for Site Plan Review for change of use from duplex to multi-family dwelling to date specific of June 24, 2015, at 6:00 pm.

Motion: OJ Robinson

Second: Paula Strickon

All in Favor: (4-0)

- B. **6:00 PM** – **Site Plan Review - Application for Site Plan Review approval for change of use from commercial retail to a public use i.e., a house of public worship and related religious functions for up to 66 persons.** Applicant Susan Chenard on behalf of Loon Reservation Service 264 Main Street, Suite 12, PO Box 785, Lincoln, NH 03251-0785, as agent for Rabbi Levi Krinsky Chabad Lubavitch of New Hampshire, 7 Camelot Place, Manchester, NH 03104, is looking to rent the property described as 55 Main Street (Tax Map 112, Lot 066) located in the Village Center (VC) District owned by Michael E. Cotto, 17 Open Trail Road, Sandwich, MA 02563-3120 whose agent is Kevin McNamara of ReMax in the Mountains, of 264 Main Street, Suite 2, PO Box 75, Lincoln, NH 03251-0175 to operate a temporary emergency facility for religious services for July & August (possibly June – September) of 2015 to serve as a *minyan* during the summer tourist season.

Upon a finding by the Board that the applications meet the submission requirements of the Land Use Plan Ordinance and Site Plan Review Regulations, the Board will vote to

accept the applications as complete, and, if the Planning Board finds the applications to be complete, then a public hearing on the merits of the proposal will follow immediately.

Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

Kevin McNamara stated that they had been asked at the last meeting to obtain more off-street parking

Dr. Weisman then explained that they have permission to use six to eight (6-8) of the parking spaces in the lower lot at the Information/Visitor Center every day. That permission was given by the National Park Service. Dr. Weisman also explained that they spoke to the principal at the High School and received permission to use five (5) spaces at the school in front of the garage.

McNamara said that they have added at least a dozen parking spaces as per the Planning Boards request. McNamara said that he believed there were also nine (9) or ten (10) more spaces on the side of the building.

Chair Spanos asked if the project was still going to serve only sixty-six (66) people.

Dr. Weisman stated the times of the services are from 7:00 AM to 9:00 AM in the morning and 7:00 PM to 9:00 PM in the evening. The services generally last thirty to forty-five (30 – 45) minutes. Dr. Weisman stated there are two levels in the building. One service could be conducted at 7:00 AM at one level and another start at 7:30 AM in another level; as each service ended the people attending that service would leave. Dr. Weisman stated they would try not to have more than sixty (60) people in the building at one time.

McNamara said that Fire Chief Ron Beard had some concerns about security lighting and said that Chief Beard could come in and inspect the building at his next convenience.

Chief Beard said that when he did his initial inspection he pointed out safety measures that the property owner would be required to take if this application was approved. However, until the applicant receives approval to use the property as a synagogue, the owner of the property does not want to expend the funds to take those measures.

McNamara said that the owner purchased safety lighting already because safety lights would be required regardless of the property's eventual use.

Hettinger asked if there are actually twelve (12) spaces to use on the premises. When there is another service that begins directly after the first service, will the spaces already be occupied when the people arrive for the second service, or will there be double the parking required during that overlapping interim period?

McNamara said that there are more than twelve (12) spaces. McNamara explained that there are now twelve (12) additional spaces added to the nine (9) spaces that were already available on the side of the building. That would be a total of twenty-one (21) spaces altogether. McNamara felt

that it would be “difficult to put your finger on how many people are going to be there at any given time”.

Dr. Weisman said that the Planning Board should be aware that the Jewish calendar is not the same as the English calendar. The people will come on vacation between July and August. Not many parishioners will come in the beginning of July (perhaps 10 to 20 people), but most will come after July 26th. During the two weeks following July 26th the synagogue could get very busy and then get less busy after that two week period. Dr. Weisman explained that the Rabbi Levinsky had posted to the Jewish community that they had not obtained a place for the synagogue yet. Consequently, Dr. Weisman felt that many of the people who originally had vacations planned in Lincoln may not be coming or would cancel their vacations without a synagogue in this area. Dr. Weisman stated that Lincoln has been a vacation area for many of their religious faith for the past forty to fifty (40 – 50) years.

Chair Spanos asked Dr. Weisman what would ensure that their attendees will park in the satellite parking lots.

Dr. Weisman said that they will print flyers and hand them out as the people come to check into their rooms. Although the realtors do not intend to police the parking issues, they will have flyers available to place on vehicles that are illegally parked. Dr. Weisman said that the members of the synagogue are not asking for special treatment. If they park where they should not be, they should be given tickets or have their vehicles towed just like anyone else. Services are daily, but on Friday nights and Saturday they do not drive, they only walk.

Chair Spanos said that parking is at a premium on Main Street.

McNamara confirmed that the parking was at a premium, but that there are also parking spaces that have not been considered in front of the building on Main Street.

Chair Spanos said that the Planning Board does not allocate spaces on Main Street.

Beaudin asked if the bathroom issues had been resolved.

McNamara said that at the last meeting they agreed to put a porta-potty on the right side of the building in addition to the bathroom that is already in the facility.

Chair Spanos asked if the application was complete.

Bont said that the application is complete.

Chair Spanos asked if any waivers were requested.

Number 11: The location of all buildings within fifty (50) feet of the site and the location of all intersecting roads or driveways and utilities (water, sewer, electrical, cable, telephone) within 200 feet.

The applicant is asking for a waiver because it is a pre-existing building and there will be no changes to the utilities (water, sewer, electrical, cable or telephone).

Motion to grant the waiver requested on number 11.

Motion: OJ Robinson

Second: John Hettinger

All in favor (5-0)

Motion to accept the application as complete.

Motion: OJ Robinson

Second: John Hettinger

All in favor: (5-0)

Motion to open the public hearing:

Motion: OJ Robinson

Second: John Hettinger

All in favor: (5-0)

Steve Smith runs the business “Mountain Wanderer” next door to the building where the synagogue will reside. He has concerns about parking. He said that this forum helped ease some of those concerns. Smith stated that there are three (3) businesses in the two (2) buildings that sit closely side-by-side. There are only four (4) municipal parking spaces in front of the three (3) businesses that are critical for his business. Smith understood that the services will be in the early morning and evening and asked if people also would be coming through during the day.

Dr. Weisman explained that services are generally held three (3) times a day. A morning service is held between 7:00 AM and 9:00 AM. An afternoon service is held right before sundown and then an evening service is held right after sundown. Dr. Weisman then explained that there are some people who come to the synagogue to sit and learn. These people will be asked not to park in the parking spaces directly in front of the building. Dr. Weisman said that he would put that proviso on the flyer informing his members that they should not take up the parking spots in front of the building all day. Dr. Weisman said that the last thing they intend to do is to hurt the local businesses.

Smith thanked them for their consideration. Smith then said he also had a concern about the placement of a portable toilet. Smith said that the property boundary lot line for the Sport Thoma building only comes out two feet (2') from the edge of the building; he does not think that a portable toilet could fit between the two (2) buildings nor would it be an appropriate location to put it between the two (2) buildings. Smith asked if they had spoken to the owner (Alice Dam Shou) about placing the portable toilet on her property. Smith said that he looked at the tax map and measured the space between the buildings. Bont said that the buildings and the property line were very close. Smith said that his building is only two feet (2') from the lot line and anything put between the two (2) buildings would have to be placed partially on both lots. Smith was not in favor of the portable toilet going between the buildings. Smith asked who would maintain the portable toilet.

McNamara said that the company that supplies the toilet would maintain the toilet on a weekly basis. McNamara said that the portable toilet could be put out behind the building instead of between the two buildings as discussed in the Conceptual Hearing.

Robinson said that the porta-potty was shown on the application drawings to be located out behind the building and asked if the plan had changed. Bont said that after the Conceptual Hearing when she and Chenard looked at the map while Chenard was filling out the application for Site Plan Review they noticed how close the buildings were together. On the application Chenard located the port-potty out behind the building instead of between the two adjacent buildings. There was a brief discussion among Planning Board members and the members agreed that they all would prefer to see the portable toilet placed behind the building.

Bont asked about tenant parking and if the parking spaces they were counting were going to be taken up by the portable toilet.

McNamara said that the tenants park out behind the building and the business parking is on the side of the building. McNamara said that there are two (2) parking spaces per unit behind the building.

Strickon asked about the number of parking spaces. Strickon did not believe that eleven (11) parking spaces would fit next to the building. She asked what size the spaces were that McNamara measured.

McNamara said that he measured the space beside the building and there was enough room for eleven (11) parking spaces.

Strickon said that one (1) of the parking spaces would have to be on the sidewalk for there to be eleven (11) parking spaces in that area.

McNamara said he measured the side parking area and it was seventy-six feet (76') wide.

Strickon said that she did not think there were enough parking spaces on the side of the building.

McNamara said that he was trying to deal with the Planning Boards request.

Strickon said she was trying to be realistic. Even the applicant's drawing shows one (1) parking space located partially in the sidewalk. Strickon said that most of the vehicles will be mini-vans.

Smith said that he measured the parking spaces and he did not think there was enough room for eleven (11) spaces.

McNamara said that the applicant would take one parking space off from the side of the building and they would still have ten (10) parking spaces plus twelve (12) offsite parking spaces for a total of twenty-two (22) parking spaces.

Strickon said she was at the site today and there were four (4) vehicles parked there. In her opinion they could only fit about four (4) more vehicles in that area.

Tanner asked what would stop them from parking their vehicles in town on Friday and not moving their vehicles until Sunday.

Chenard said that they would have to walk from their cars to their condos and some of them are miles away.

Dr. Weisman said that in the past their services were held at the Mountain Club on Loon, Village of Loon Mountain or at Clearbrook Resort which was very convenient for the people staying in those places. Dr. Weisman said that this year the services will be held in the center of town at 55 Main Street (Map 112, Lot 066). Many of these people will not walk because of the distance they would have to walk. Many of them would not walk that far on their Sabbath (Shabbat - Friday night at sundown to Saturday night with the appearance of three stars). Dr. Weisman said that this year they will be renting in Deer Park Resort, Forest Ridge and other places closer to town rather than out of town nearer to Loon Mountain.

Bont added that the town received two e-mails from abutters with concerns about this application. One was Steve Smith who is in this meeting tonight and has addressed his concerns. The other was from Marcia Imbresia who owns 49 Main Street. Bont read Marcia Imbresia's letter into the record.

Dear Planning Board members,

I am unable to attend tonight's meeting, but I understand that one of the agenda items is the rental use of the building that abuts the office building I own at 49 Main Street. I would like to voice my concerns in regard to the potential unauthorized use of my parking lot. It is important that my parking lot be used only for customers of my tenants. If you choose to grant permission for the rental use, please pass on my concerns and let the applicant know that unauthorized parking in my lot will not be allowed.

*Respectfully,
Marcia Imbresia*

Chair Spanos stated that the realtors should make sure that everyone is aware that parking in the area of 55 Main Street is very tight.

Chenard said that after speaking to Rabbi Krinsky she felt that everyone was aware that they will not be allowed to park in the 49 Main Street lot (Map 112, Lot 055). Chenard said that she has told the potential visitors that they need to plan as many people possible in each vehicle. Chenard said that at their front desk they typically have had a sign-in sheet so that people who go to the *minyan* can get connected and ride together. Chenard said that was another item to put on the flyer, to try and car pool to the *minyan*.

Dr. Weisman said that the flyers will be handed out where the visitors come to get their keys from reservations and they will be told immediately about the parking situation at the *minyan*.

Chenard said that their business at Loon Reservation Service has seen a drop in the number of reservations from last year because visitors want to be sure there is a place of worship before they commit to a reservation. Chenard thought that the various tourist attractions may be seeing that drop in reservations as well.

Motion to close public hearing:

Motion: John Hettinger Second: Norman Belanger

All in Favor: (5-0)

Hettinger asked Fire Chief Beard if the application meets the fire safety specifications for the number of people who will be permitted inside the building.

Fire Chief Beard said they will need a portable toilet, emergency lighting and some signs to get approval. If they get approval it will be verified that all issues have been resolved. The owner did not want to spend money for the extra measures unless the space was rented.

McNamara said some of the materials have already been purchased; the property owner is waiting on the Site Plan Review approval from the Planning Board before they move forward. McNamara said that making the changes necessary to comply with the cited regulations would take only about one day.

Fire Chief Beard stated that he did not know how loud a Jewish religious service is as he has never been to one, but he was concerned about any possible negative noise impact on the tenants in the first floor apartment; the apartment has an access hatch that is locked from the store side. Fire Chief Beard asked McNamara (as property manager) if there were any complaints received from the people living in the upstairs apartments; is there any way to create a more sound proof barrier between the apartment and the downstairs space so the people in the apartment have their privacy.

McNamara said that he did not think the noise would be any louder heard through an access hatch than heard through a regular wall. McNamara has discussed the volume of the service with the Rabbi. The Rabbi told him that the worshipers would not get loud and he did not think that noise would be an issue.

Chair Spanos asked what the earliest and latest dates were that the applicants would want to use the building as a *minyan*.

Dr. Weisman said that there is a web site, [LincolnNHminyan.com]. They have been getting between ten to fifteen (10 – 15) emails a day from that web site. Up until now they have been telling people that “they do not know”. Dr. Weisman said that many people have given up with the Lincoln *minyan* and have rented other places. Others are hanging on and waiting to see if they find a *minyan* in the Lincoln area. They hope to start the *minyan* on July 1st. If they do not receive approval it would start later and the longer they wait the more potential renters that will not be coming to Lincoln for vacations.

Chair Spanos ask for the latest date.

Dr. Weisman stated that the *minyan* has never gone beyond Labor Day. If they receive approval now they may open for the last few days of June, but they have never gone beyond Labor Day.

Strickon said that on the 26th of July, Tisha B'Av is coming up and asked how many people would be attending that event.

Dr. Weisman stated that Tisha B'Av will not bring in many people. Dr. Weisman explained that there were two temples in Jerusalem, one was destroyed by the Babylonians and was rebuilt (circa 538 BCE) by Cyrus the Great and the other was destroyed by Romans. Dr. Weisman said that Tisha B'Av is a very sad time. He continued that people do not go on vacation during the days before Tisha B'Av. Maybe ten (10) or twelve (12) people will arrive at the *minyan* who come before Tisha B'Av. Dr. Weisman continued that after Tisha B'Av is when everyone goes on vacation. Right after July 26th is when the larger crowds will come on vacation to Lincoln.

Chair Spanos asked if the applicant is looking for a one year approval.

Dr. Weisman said that he is only requesting approval for one year. If there are problems it will not get approved for next year. So the Planning Board approval requested at this time is only for this summer.

Chair Spanos asked if June 25th to Sept 5th would work for the group.

Dr. Weisman said that was fine.

Robinson said that he does not think this location is an ideal spot for this particular use. However, Robinson said that it is important to help this group because they come to vacation in Lincoln every year. Robinson said that because the request is for approval for such a short time period perhaps parking congestion may not be an issue. Robinson said that seeing what goes on in town as far as June events, this is an important part of our community. Robinson said that he was ready to vote to approve this application with a couple of conditions.

- 1) The location of the portable toilet being behind the building and not in view of Main Street.
- 2) Parking needs to be enforced by the applicant.

Dr. Weisman said there is no way the applicant will be able to police vehicle parking. Dr. Weisman said that they will hand out the flyers at check-in or put flyers on their vehicles. Dr. Weisman used McDonalds as an example. He said that if one hundred (100) vehicles were parked in McDonalds lot and were not using the business, McDonalds would call the police and have the vehicles ticketed or towed.

Chair Spanos said that the applicant must direct the people to make them aware of the satellite parking lots.

Dr. Weisman said that they are going to make the flyers and put them at all the rental businesses that they normally rent from (i.e. Loon Reservations, Village of Loon Mountain, Clearbrook Resort, Mountain Club on Loon, Nordic Inn & Forest Ridge). If someone parks where they should not park, the police should come down and ticket or tow their vehicles away. Dr. Weisman said that Site Plan Review cannot be approved on the condition that the applicant would have to do the enforcing.

Robinson said that maybe the Planning Board could say that the applicant will have to cooperate with the Planning Board to do the enforcing.

Dr. Weisman said that if the situation looks like it is going to be a total disaster, the Planning Board can have another public meeting together with him and rescind their approval.

Chair Spanos said that Labor Day is on September 7th this year, so the approval should go from June 25th to September 7th, 2015.

Motion to approve with conditions:

- 1) **Approval from June 25, 2015 to September 7, 2015.**
- 2) **Cooperation on parking limited to 6 or 8 or 10 or 11 spaces beside the building, 5 spaces at the High School and 6 to 8 spaces at the Information Center (in North Woodstock).**
- 3) **Installation of a portable toilet in the “back” of the building out of view of Main Street. (Location to be overseen by the Fire Chief.)**
- 4) **Building must meet security and fire safety measures with the installation of security lighting and signage.**

Motion: John Hettinger Second: OJ Robinson

All in Favor: (5-0)

- A. 6:00 PM – **Conceptual – Jean’s Playhouse would like to add an approximately 1,500 square foot flagstone patio to the side of the front of the building with gardens to use to serve food and alcohol for fundraising and during intermissions.** Although the “garden” was contemplated for a future time, at the time of Site Plan Approval for Jean’s Playhouse, the garden was not included on the plans filed. (34 Papermill Road – Tax Map 119, Lot 001). It is not clear in the Site Plan Review regulations whether Jean’s playhouse would need Site Plan Review approval for this particular use under Site Plan Review Regulations Article IV, Section A (“Development” and “Change of Use”) paragraphs (b) and (d). Christa Hollingsworth (Operations Director) will present for Jean’s Playhouse. The property is owned by North Country Center for the Arts, PO Box 1060, Lincoln, NH 03251. The property is in the General Use (GU) District.

Bont explained to the Planning Board that although the directors of Jean’s Playhouse does not have a detailed plan yet, they would like to install a garden patio approximately 1,500 square feet in size to hold fund raising events. Bont said that liquor would be served in the garden patio area. Bont then showed a tax map of the lot to the Planning Board. Since this is only a conceptual hearing, it is unnecessary to submit a detailed plan. A representative was unable to attend because tonight is their big fundraiser.

Hettinger informed the Planning Board that he was at the recent meeting for Jean's Playhouse. At the meeting he took a photo of the sketch prepared by Adams of the area where they hoped to put the patio/gardens and explained to the Planning Board where the location of the garden patio would be on the map.

The Planning Board had a discussion about whether the garden patio would be a change of use.

Beaudin felt that based on the wording in the Land Use Plan Ordinance Jean's Playhouse would need to come in for Site Plan Review. Robinson agreed. Robinson felt that there will probably not be any issues, but that the Site Plan Review process would allow abutters to review the issues and give them the opportunity to voice an opinion. Robinson said that if Jean's Playhouse is putting down pavement/pavers and making the patio an "impermeable" surface, these alterations make it a change of use. Robinson said that the message should be sent that they do not need to come in with designed architectural plans, but a drawing of the basic design would suffice.

Chair Spanos said that a rudimentary Site Plan would be required. The Planning Board will consider waivers as needed.

Hettinger said that he would send the photograph (from his phone) to Bont. The photograph shows a better image of the proposed location of the garden patio.

IV. CONTINUING AND OTHER BUSINESS (Staff and Planning Board Member/Alternates).

A. Discussion about NH RSA 155-D: Energy Conservation in New Building Construction

NH RSA 155-D:6 Permit Not to Issue - Injunction – Penalties.

Bont explained that the State of New Hampshire requires a property owner and/or the contractor to fill out and file with the Town a "Certificate of Energy Code Compliance" prior to the Town's issuing a Land Use Permit to build. The purpose of the New Hampshire Energy Policy and Conservation Act enacted in 1979 is to ensure that all buildings, additions and renovations are energy efficient to a specific threshold level. Contractors are all required (no exceptions) to fill out a New Hampshire Residential Energy Code Application and receive a Certificate of Energy Code Compliance for all construction. They have the choice of filling out a hard copy and submitting it to the New Hampshire Public Utilities Commission, 21 South Fruit Street, STE 10, Concord, NH 03301, or going online and filling out the form using a computer program called "ResCheck" (<https://www.energycodes.gov/rescheck>). If the proposed building specifications meet the Energy Code requirements then the computer will allow the applicant to print out a Certificate of Energy Code Compliance that the owner is then required to sign and submit to the Town with the Land Use Permit Application.

Chair Spanos said that this form has always been required in the past. He is unsure of when the Town stopped requiring it. Bont said that when she started working for the Town of Lincoln, she

asked about it and was told that the form was not used. Bont said that she recently attended a continuing legal education seminar and this requirement was pointed out in the class. Chair Spanos asked if it was a problem for the Contractor or for the Planning Department. Bont thought it was a problem for both. Chair Spanos said that in his opinion it reads that obtaining a Certificate of Energy Code Compliance is the responsibility of the contractor.

Hettinger said that this perception of responsibility does not seem to coincide with his experience with architects. Bont said that she understand from Matthew Labonte that architects are supposed to put the fact that the building is designed in compliance with the Energy Code directly on their plans. Bont went on to say that most of the plans she receives are not from licensed architects but from “home designers” who have no license. Chair Spanos said that someone who builds a single family home is not required to hire an architect. Robinson said that on the form itself it says the form can be filled out by the home owner, the general contractor or the home designer.

Chair Spanos said that because it works on a point system, you can use a more efficient lower U-rated window and use a less efficient boiler and your building plans would still pass because of the point system; you have to reach a certain score.

U-Factor measures the rate of heat transfer and tells you how well the window insulates. U-factor values generally range from 0.25 to 1.25 and are measured in Btu/h-ft²·°F. The lower the U-factor, the better the window insulates.

Bont spoke with Matthew Labonte, a Fire Safety Supervisor VII and an architect who works for the NH Fire Marshal’s Office, who said that all contractors do this and know to do this.

Hettinger asked if this requirement is effective in all towns.

Bont said, “yes”. Bont explained that New Hampshire Energy Policy and Conservation Act was enacted in response to the energy crisis. The legislature looked at the housing stock here in New Hampshire and found it wanting in a big way. The legislature decided that it was irresponsible for people to build houses that were not energy efficient in New Hampshire where we have high mountains with harsh winters. The form indicates minimum standards that the legislature set in place. Bont said that the Planning Board will have to let the community know about this old requirement as part of an “outreach” effort.

Hettinger said that in his opinion the building specifications that the legislature required are “really tight”. Hettinger said that in some cases it may increase the cost of building the house.

Robinson asked if houses here in Lincoln are being built below these specifications.

Bont said that according to Pat Romprey, when he is hired to do renovations he has seen (and taken pictures) of much substandard work here in Lincoln that show. For example, one photo showed a lack of insulation.

Beaudin said that Pat Romprey is remodeling older houses, pre 1970.

Robinson asked of all the houses built in the Town of Lincoln in the past five (5) years, how many were sub standardly built. Bont said we have no way of knowing. Bont said that if you are an owner you would not want to build a house that was not somewhat energy efficient. Bont said that the new homes in Lincoln may be fine.

Robinson said that it sounded like the Town did not have to adopt this. Bont said that towns do not have to adopt it, it is a State law. Robinson said that statute reads that the Town has to enforce it. Beaudin asked how we were to enforce it. Bont said that she would not grant a Land Use Permit unless they submit a Certificate of Energy Code Compliance with the Land Use Application. Chair Spanos asked who follows up to see that the standards are met. "No body." Lincoln does not have a building inspector.

Bont said that the owner or the contractor has to go on line and fill out the ResCheck application. If the materials used in their plan as reported on the ResCheck application do not have enough points they will not be issued a Certificate of Energy Code Compliance. Then the owner/contractor would have to revise the application, by upping the R factor of insulation or change a door for example, until they can get enough points to obtain a Certificate of Energy Code Compliance. After they print out the Certificate of Energy Code Compliance the property owner has to sign off on it. Then when the owner or contractor applies for a Land Use Permit they hand me the Certificate of Energy Code Compliance with their application.

Beard said that unless the building is being inspected at different stages of the build, once the walls are closed in we do not know what is behind the walls or whether they actually used the materials they reported on their ResCheck application. Bont said that because the Town did not adopt NH RSA 155-A, the town does not have a building inspector so the town cannot inspect building sites.

Chair Spanos said it is the responsibility of the contractor to obtain the Certificate of Energy Code Compliance. He will not receive a Land Use Permit until he also has provided a Certificate of Energy Code Compliance .

There was a brief discussion between Planning Board members about the process and where the responsibility lies to obtain the Certificate of Energy Code Compliance and if it was possible for the town to inspect the building without a building inspector.

Bont said that she is going to change her Land Use Permit Application by adding a line that asks if the applicant has submitted a certificate with their Land Use Permit Application. The note will include the web site address of where to obtain the Certificate of Energy Code Compliance.

Robinson said that was a good way to do it and the easiest; it should get the forms into the hands of the people who need them. Robinson said that the only reason you would need a Certificate of Energy Code Compliance is if you were building a house.

Beaudin asked if it was required for any construction that you do. Bont said that a certificate is required for any heated space. Hettinger said that if you heat it with fossil fuel, but if you heat with solar or heat pumps the requirement may be less.

Chair Spanos asked if anyone else has any questions.

There was a brief break to discuss the minyan with two latecomers, Alice Dam Shou and her friend.

Water at “The Landing”

Bont informed the Planning Board about the Town’s concern about whether there is enough water to put out a fire at “The Landing”, should the need arise.

Fire Chief Beard said that for their latest training for how to put out a fire, the Fire Department used “The Landing”. First they drained a cistern and then simulated a tanker shuttle to refill the cistern. They had a fire. They used the water in the cistern and then had to start “shoveling water out” to supplement the water in the cistern.

During the first trip the Fire Department had to find a place to turn the truck around. The only place they could find to turn the truck around was at the beginning of Black Mountain Road at the Y intersection because the truck is so long. Chief Beard said they tried to turn around in a couple of different spots. The wheel chocks* are suspended under the truck and then they kept getting caught.

***Wheel chocks** (or **chocks**) are wedges of sturdy material placed closely against a vehicle's wheels to prevent accidental movement. Chocks are placed for safety in addition to setting the brakes. The bottom surface is sometimes coated in rubber to enhance grip with the ground.

Then the Fire Department grabbed three thousand (3,000) gallons of water and drove back up and unloaded it in two (2) or three (3) minutes. They did a timed run, dumped the load, and went back to where the hydrant is tagged, filled the truck, turned around and went back up and unloaded the three thousand (3,000) gallons. It took seventeen and a half (17.5) minutes for one round trip and the truck was only carrying three thousand (3,000) gallons.

The other issue was that the roads at “The Landing” were not designed for the large apparatus. So if the Woodstock Fire Department arrives with their large apparatus there is not a good place up at “The Landing” for their truck to turn around.

If it takes three (3) minutes to put three thousand (3,000) gallons into the truck with the water pressure that is currently available there, the Fire Department will have a bunch of fire engines stacked up waiting to fill with water. It only takes three (3) minutes to empty three thousand (3,000) gallons out, but then it takes them another seventeen (17) minutes to return after filling the truck. There would be alternating trucks. There are narrow sections of the road where one fire truck would not be able to safely pass another fire truck on the soft shoulder along the downhill side of the road because of the combined weight of the truck along with the water it is carrying.

Fire Chief Beard continued saying that for their training he looked at the tax card for the house at 2 Hay Hill Road (Tax Map 132, Lot 058) – the newest house completed up at “The Landing”. The square footage of that house is six thousand, seven hundred sixty-four (6,764) square feet. Fire Chief Beard did some calculations based on that square footage; the minimum amount of water required to fight a fire in a house that size would be one thousand five hundred (1,500) gallons per minute. Beaudin asked if it took two (2) minutes to empty the tank on the truck.

Fire Chief Beard confirmed that it was approximately two (2) minutes. Beard said that he did some additional calculations. If the Fire Department tagged both cisterns they would have about fourteen (14) minutes of water, roughly. Engine 1 holds three thousand (3,000) gallons; that translates into two (2) minutes of water flow. Engine 2 has about one and a half (1 ½) minutes of water flow. With all of the water on wheels and the two cisterns (10,000 gallons each), that is about seventeen (17) minutes of water flow. Then it would take another seventeen (17) minutes to go back and fill up the truck again. Fire Chief Beard said that they can empty tankers pretty quick, but getting them filled back up is the problem. Beard said that here are only so many hydrants that they can draw water from.

Hettinger asked if the figure of one thousand five hundred (1,500) gallons a minute was realistic.

Fire Chief Beard said that was the minimum standard, but that the homes up at “The Landing” are large timber houses with a lot of square footage and most have a garage with vehicles in the garage. The flow of one thousand five hundred (1,500) gallons a minute would be the minimum requirement to put out a fire.

Hettinger asked how many hydrants would give the Fire Department one thousand five hundred (1,500) gallons per minute if they had the proper flow.

Fire Chief Beard said that water pressure and flow for the fire hydrants all vary throughout town. It depends upon their elevation and the availability in the holding tank and what you can draw on which end of town. On Main Street there is really good pressure. The problem with “The Landing” is the elevation. The elevation is why the Fire Department picked the lower hydrant. Fire Chief Beard explained that he could have turned around at the entrance to the Landing because the last hydrant is right on that corner but that particular hydrant only has approximately 36 PSI.

PSI is an abbreviation for “**pound per square inch**” or, more accurately, **pound-force per square inch**. PSI is a unit of pressure or of stress based on avoirdupois units. It is the pressure resulting from a force of one pound-force applied to an area of one square inch.

Hettinger said that the hydrant in front of his house at 12 Westwood Drive (Tax Map 124, Lot 036) is 50 PSI, and may give Fire Chief Beard the flow he is looking for.

Fire Chief Beard said that they can have good pressure but may not have good volume. Beard said that the town is due to have an engineering study done on the water flows in town. One of the biggest problems for the Fire Department is the inadequate infrastructure (i.e., the narrow

roads and under-sized cisterns), preventing the Fire Department from getting water to the fire efficiently.

Hettinger said that first the fire truck has to travel east on “Landing Road” and then it has to break back going up backwards on the third turn up Hay Hill Road.

Fire Chief Beard said that when you come out of “The Landing” and take a left and go up the hill and you come to a one way road and the land there drops off. Fire Chief Beard said the fire truck cannot make that transition because of the length of the wheel base. Fire Chief Beard said that he only found two (2) cisterns of ten thousand (10,000) gallons each up at “The Landing”. He thought that he had read there should be more than two cisterns. In the Planning Board minutes it was mentioned that there should be one (1) cistern at the end of each road.

Beaudin said there is one uninstalled cistern in the woods at the end of the road.

Bont said that Fire Chief Beard had informed the Planning Board earlier that cisterns should be a minimum of thirty thousand (30,000) gallons and these two cisterns are only ten thousand (10,000) gallons each.

Fire Chief Beard said that the ISO (International Organization for Standardization) standard changed and he believes the minimum needed fire flow in gallons per minute (NFF) is five hundred gallons per minute (500 gpm) at twenty pounds per square inch (20 PSI) for a duration of two (2) hours. [What Fire Chief Beard had said in a previous meeting was 250 gallons per minute for 2 hours.] If you do the math, that means thirty thousand gallons per minute (30,000 gpm) of uninterrupted water flow at fifty pounds per square inch (50 PSI) is required. Chief Ron Beard said that in a preplanned development the Fire Department needs one thousand five hundred gallons per minute (1,500 gpm) to meet the bare minimum ISO standard.

Fire Chief Beard said that “The Landing” development does not meet the bare minimum Needed Fire Flow (NFF) because Schorr Berman only has two (2) cisterns with ten thousand gallons (10,000 gallons) each. With what the Fire Department has for “water on wheels” they cannot make up the difference.

Beaudin asked if the developer, Schorr Berman, was aware of this.

Fire Chief Beard said that he has had discussions with Schorr Berman about preplanned development. Fire Chief Beard told Berman that if there was a large structure fire at “The Landing” that the Fire Department would not have enough water to put the fire out. Fire Chief Beard said that if he does not have a good uninterrupted water supply he will not allow the fire fighters in the buildings. Fire Chief Beard said that with people building homes up at “The Landing” valued from \$500,000 to \$1,000,000 he did not think that his concern was something that the property owners up at “The Landing” would want to hear, not when they already invested that much money in a building.

Beaudin asked what size cisterns Schorr Berman’s development was approved for back when he created the development; was he supposed to make available a specific number of gallons.

Robinson read the Site Plan Review Approval requirement was for four (4) cisterns holding ten thousand (10,000) gallons each for a total of forty thousand (40,000) gallons of water storage to be buried in tanks with a dry hydrant next to them.

Fire Chief Beard said that the other thing the developer and his engineers and the Planning Board did not think about back then was that if you have four (4) cisterns, in order to get that water, you would have to tie up four (4) fire engines to access the water – one engine for each ten thousand (10,000) gallons. Fire Chief Beard said that once the engine is hooked up to a cistern and the firemen run their lines, that fire engine cannot leave that cistern. Once the firemen charge lines and run them across roads to fight a fire, you cannot move the fire engine. So having four (4) small cisterns remotely located, in order to get all that water at once, you would have to locate a fire engine at each cistern to suck the water out to move the water to where you want it.

Beaudin asked how long it would take to pump the cistern dry if the Fire Department sets a fire engine up at one cistern to pump the ten thousand (10,000) gallons out. Fire Chief Beard said that that Engine 1 can pump one thousand five hundred (1,500) gallons per minute. Beaudin said that would be about four to six (4-6) minutes. Fire Chief Beard said that then he would be doing nothing once he empties that cistern.

Hettinger asked at the fire a few years ago at some condos near “The Landing”, was there enough water to fight that fire?

Fire Chief Beard said yes, there was enough water pressure to fight that fire because the buildings were at a lot lower elevation than a house at “The Landing” would be so there is decent water pressure. The elevation at that particular fire was much lower than the elevation at “The Landing”. Fire Chief Beard said that obviously there is not enough water pressure to feed “The Landing” because the developer had to put in four (4) booster pumps in the building at the entrance just to get water up the hill.

Beaudin said that there is enough water, but not enough pressure.

Chair Spanos asked if “The Landing” was supposed to put in four (4) cisterns. Fire Chief Beard agreed and said that four (4) cisterns would supply a total of forty thousand (40,000) gallons. Chair Spanos said that the Fire Department does not have the equipment to pump from all four (4) cisterns simultaneously.

Hettinger said that what they are saying is that “The Landing” needs a larger storage tank.

Fire Chief Beard said that a larger water storage tank would be ideal. Beard said he does not know what Saber Mountain, LLC is going to do for water if they sell all eighty-seven (87) lots.

Beaudin said that somewhere there must be documentation that when “The Landing” development was approved that it was in compliance with the ISO standard in effect at the time. Beaudin asked if the ISO standard was different in 2005 than it is now.

Bont said that the original letter from the engineer that reviewed the proposed development called “The Landing” pointed out existing problems, but it does not appear that they were addressed. Bont said that the draft letter to Ted Sutton from Hoyle & Tanner, Chris Mulleavey, page 3, Water Utility Review comments paragraph i. states:

Do the fire protection cisterns provide enough water for their intended purpose? It is our understanding that the minimum NFPA (National Fire Protection Association) fire flow is 500 gpm (gallons per minute) for two hours equating to 60,000 gallons. Have required fire flows been determined? What provisions have been made for freeze protection for the cisterns? Please provide burial depth. Are the cisterns to be filled from the municipal supply?

Bont continued by quoting the response from the Horizons engineer Steve LaFrance on page three of the response.

NFPA 1142 applies to water supplies for suburban firefighting. Minimum water supply is calculated using the formula in 7.2 where minimum water supply = (total structure volume/occupancy hazard class) x construction class. Assuming a 2 story wood framed structure (Type V construction), residential occupancy hazard class 7, and footprint of 34 ft. x 60 ft. yields 2,040 sq. ft. x (8ft. + 8 ft. + 4 ft.)/7 x 5 = 29,142 gallons. Four 10,000 gallon cisterns, (total volume of 30,000 gallons) are proposed in the development. The cisterns will be buried with four feet of cover and insulated with two inches of rigid foam insulation. Cisterns will be filled by the owner after installation and will not be connected to the municipal water system.

[Online at the NFPA web site the current title of NFPA 1142 is: “Standard on Water Supplies for Suburban and Rural Fire Fighting”. 7.2 refers to: Section 7.2 NFPA 5000®: Building Construction and Safety Code®]

Bont stated that “The Landing” was the target proposal.

Beaudin asked if that was what was approved.

Bont said that in the Notice of Decision for “The Landing”, the Planning Board did not talk about the water supply or the cisterns but was more focused on the road and not the water.

Robinson said that in the Planning Board minutes (April 27, 2005) from when it was approved, Chairman Romprey asked about the fire system proposal and Mr. LaFrance responded “they went through some calculations consistent with NFPA standards that they used for fire protection”. Romprey noted that based on the assumptions of the housing construction it is determined that thirty thousand (30,000) gallons of water storage was needed. Mr. LaFrance noted the plan was to put a total of forty thousand (40,000) gallons of storage in four (4) different cisterns which were to be buried tanks with a dry hydrant connection on them. Robinson stated that at that time the minutes infer that forty thousand (40,000) gallons met the NFPA minimum standard.

Bont said that that was true, but at that time Horizons based their calculations on houses that were smaller like a two-story 2,040 square feet ($2 \times 2,040 = 4080$ sq. ft. home) when in fact many of the homes already built or being built in “The Landing” are in excess of seven thousand (7,000) square feet.

Chair Spanos asked if it would be considered a “suburban” area.

Beaudin understood that Horizon Engineering had said that Hoyle & Tanner engineering was basing their study on a “suburban” area versus a “rural” area.

Chair Spanos said that Horizon Engineering was the engineering firm for “The Landing”. According to Horizons, NFPA 1142 applies to a required water supply for “suburban” firefighting, not “rural” firefighting.

Bont said that “suburban” to her would suggest a certain level of density. In these documents the engineers from Hoyle & Tanner say it is “suburban” whereas the engineer from Horizons says it is “rural”.

Strickon asked the average size of the lot at the Landing. The consensus answer was an average lot at “The Landing” is between one half to three quarters ($\frac{1}{2} - \frac{3}{4}$) of an acre.

Fire Chief Beard confirmed that people are putting up two (2) and three (3) story homes on a half ($\frac{1}{2}$) an acre.

Bont said that they are putting seven thousand (7,000) square foot homes on half ($\frac{1}{2}$) an acre.

Robinson said that the engineers’ calculations are based on a home with a two thousand (2,000) square foot footprint times (8 feet plus 8 feet plus 4 feet) for two and a half stories or a five thousand (5,000) square foot house.

Bont said that some of the homes with a two thousand (2,000) square foot footprint are four (4) stories high.

Chair Spanos said that for calculating the necessary drainage the engineers assumed that only twenty percent (20%) of the lot would be covered when they are really covering thirty to thirty-five percent (30-35%) percent of the lot.

Robinson said that in his opinion, it looks like that this approval was based on the NFPA standard at the time. It looks like two sets of engineers looked at it. The calculation was based on five thousand (5,000) square foot average houses. Robinson said that there was no thought given back then about the logistical consequences of putting forty-thousand (40,000) gallons in four (4) different locations remote from each other. The Fire Department cannot be expected to drive a fire truck around to these four locations to fill it up.

Fire Chief Beard said that the other factor that was not considered was the distance between the cistern and the house lots approved. Beard explained that if you lay out four inch (4”) hose, you

do a reverse lay from the fire waiting for another engine to get there so you can tag the cistern. Then you lay out between one and two thousand feet (1000'-2000') of four inch (4") hose. You don't just pick that hose up and carry it to move it – the hose with water in it is too heavy. Once you empty the cistern you have to unhook the hose and drive to the next cistern, but you may not have enough hose to reach the cistern or the house.

Beaudin asked what happens when the Fire Department goes to a fire and can pump one thousand five hundred gallons a minute (1,500 gpm) on the fire. How much water does the truck hold? Fire Chief Beard said the truck holds only three thousand (3,000) gallons. Beaudin said that in two (2) minutes you fill up off the cistern and you are gone.

Fire Chief Beard said that firemen have to draft water off the cistern. Beard explained how the system works and how many men it takes to man the truck, vent and pumps. Beard explained that Engine 2 would be the first to arrive at the scene of the fire. Engine 2 is a tanker/pumper that holds one thousand two hundred (1,200) gallons. Meanwhile Engine 1 would arrive at the cistern. Engine 1 is a tanker that carries three thousand (3,000) gallons. Engine 1 would then go through the procedure of filling from the cistern which holds ten thousand (10,000) gallons. Consequently, Engine 2 would bring twelve hundred (1,200) gallons to the fire scene. Then Engine 1 would carry three thousand (3,000) gallons in its tank and bring the ten thousand (10,000) gallons of water from the cistern. Collectively between Engine 1's tank and the capacity of cistern we would have available thirteen thousand (13,000) gallons to the fire by hose through Engine 1. After that the Lincoln Fire Department would be waiting for the Woodstock Fire Department to arrive with another engine. Lincoln only has two (2) engines. The first (Engine 2) goes to the scene and the second engine (Engine 1) goes directly to the cistern to draft from the standpipe connected to the cistern. Then when the first engine from Woodstock arrives the first engine would tag another cistern.

Beaudin asked if the Fire Department could suck the water out of the cistern, fill their tank and then drive back up to the fire.

Beard said that the Fire Department could, but that it would be very time consuming. They will have to hook up the hard suction to draft, fill their tank and then they have to unhook. It would be very time consuming with the hard suction to hook up to the truck, pull the prime, draft the water off, fill the tank, drain the water out of the hard suction, unhook from the truck, cap the pump then go down and empty it. Fire Chief Beard said it was possible but felt it would waste valuable time. Beaudin said that he was suggesting this as just an option rather than taking the seventeen (17) minutes to go down to the hydrant and fill up.

Hettinger asked if there were any hydrants in "The Landing". Fire Chief Beard said "No, there are none." Fire Chief Beard concluded that it was time consuming to pull a draft. Hettinger asked if there were fire hydrants at "The Landing", would there be enough water to put the fire out. Beaudin said that there would not be enough water pressure.

Fire Chief Beard said that the ideal arrangement would be if "The Landing" put in a storage tank and hooked it into the Town's municipal water system. The Town would maintain it as drinking water/fire protection. That would help many water-related problems up there. If there are

eighty-seven (87) total lots in “The Landing”, as they sell more, people will want drinking water, extra tubs and showers and Jacuzzis. An adequately sized and sited water storage tank would support all that.

Fire Chief Beard said that the nearest hydrant to “The Landing” has only thirty-six pounds per square inch (36 PSI). The current pumps may drive the head pressure right down to nothing. Strickon said that if everyone turned on their Jacuzzis at the same time there will not be any water pressure.

Bont said that if they draw the water from the municipal system it basically robs the water here in town. That problem has already been happening. Hettinger said that there was a similar problem at South Peak.

Bont said that Town Manager Burbank (a former Fire Chief) said to inform the Planning Board that there is no water to fight fires at “The Landing”.

Robinson said that the problem is, at South Peak there is a contractual agreement as part of the Site Plan Review Approval that the developer needs to put a tank in there once they reach a certain amount of development. The problem at “The Landing” is that they designed the system with the variable drive pumps and four (4) cisterns. That design is what was approved and that design does not work.

Chair Spanos said that they have not installed all the cisterns either.

Robinson said that based on what Fire Chief Beard is saying, the extra cisterns will not help. If they put in two (2) more cisterns it only adds six (6) minutes of firefighting time.

Fire Chief Beard said that a fire up at “The Landing” is going to be a logistics nightmare depending upon which house is on fire. Two or three engines will have to drive by the fire to ensure we have the water to put the fire out, but then we will end up trapping three trucks in the road.

Robinson said that the calculations are based on a five thousand (5,000) square foot house. They are not building that size house there now, they are building larger ones.

Fire Chief Beard said that was the reason the Fire Department did their last training at “The Landing” is because it is going to be a logistics nightmare to fight a fire there depending upon which property catches fire. Beard gave an example of 2 Hay Hill Road. If the fire was at 2 Hay Hill Road and Engine 2 stopped to start spraying water on the fire, the three cisterns on the roads above become unusable because other fire engines cannot get past Engine 2 to reach the other cisterns.

Hettinger said that the problem is unless the Planning Board had had Fire Chief Beard’s expertise, they would not know about these problems back in 2005.

Robinson said that they were looking at the NFPA regulations back then. Robinson said that the

other area where the Planning Board can push back is that the approval for the development was based on a five thousand (5,000) square foot house. They are not building five thousand (5,000) square foot houses at “The Landing”. Robinson said that if the four (4) cisterns were supposedly adequate for fire protection for five thousand (5,000) square foot houses, now that they are building larger houses the Planning Board has some leverage to push back with. Robinson said that he recommends that if Saber Mountain, LLC is going to put in any more houses they have to put in the other two (2) cisterns.

Fire Chief Beard said that the Fire Department does regular training. In their trainings they have learned that today’s issues are that there are more plastics and artificial manufactured product being included as building materials. When these artificial manufactured products burn they generate a lot more BTU’s (British Thermal Units) than a home did ten (10) years ago because a lot more of the house is made of synthetic materials. Beard explained that to determine an estimate of what the BTU’s would be generated should a particular house burn, there is a formula. The quick easy formula is to take a 7,000 square foot home and divide it by 3. Then you estimate a percentage of involvement.

For example, for a seven thousand (7,000) square foot house. Take 7,000 and divide by 3 to get the first number. Then if you have a 25% involvement, 50%, 75%. Then multiply that number by your percentage (.25 for 25% involvement), that is your minimum needed fire flow (NFF) in gallons per minute that you need to fight the fire. That is just a minimum baseline. There could be other variables that can affect the BTUs and then impact on the NFF, like fuels, cars on fire etc. Fire Chief Beard stressed that you cannot just look at the square footage of the house, you also have to look at the building contents.

Fire Chief Beard said that when he was speaking with the Fire Marshal, he was asked if he was going to push for residential sprinklers. Robinson asked if they were suggesting residential sprinklers just for the low pressure area of town or more widely.

Fire Chief Beard said that the State Fire Marshal’s Office would like to see sprinklers in every town and any new construction because the sprinkler systems do work, however it is a huge added cost. Fire Chief Beard told the Fire Marshal that he could not commit to requiring sprinklers because he was not sure what was available for water. Beard explained that when you engineer a residential sprinkler system it is not like your business sprinkler system but you still need a minimum flow and pressure.

Bont asked Fire Chief Beard if he talked with Town Manager Burbank about the bladder systems they are putting in the houses on the mountain.

Hettinger said that the pumps that are there now only put out about forty (40) gallons per minute. The new houses they are putting in, they do not have enough water flow and because the owners of the properties are not all there at one time they are getting away with it. They put a bladder in their house basements. The bladder fills up and now they have 500 gallons. Every time he turns on the water, his pump will come on and pump out of the bladder rather than from the Town’s municipal water supply.

Chair Spanos said that once the bladder is filled it does not use a lot of water. Hettinger said that what you have to worry about is the bacteria and the sanitation. If you are not there for a long period of time bacteria builds up.

Hettinger asked Fire Chief Beard if he had a recommendation for firefighting at “The Landing”. Fire Chief Beard said he met with Schorr Berman and to be fair about it, he would evaluate an average size home at the Landing and come up with a minimum fire flow required. Then he will go to Schorr Berman and tell Berman his recommendation and what needs to be done.

Chair Spanos asked if anyone knew how much a storage tank at the top would cost. Hettinger said it may be the same as the tank at South Peak. Beaudin said that it may not be the price of the tank itself, but the cost of giving up a lot to place the tank that may be the problem.

Fire Chief Beard said that elevation is key; the water storage tank would have to be placed at the highest point of the property in order for it to be effective for his needs.

Hettinger said that size of the tank should be based on the largest home in “The Landing”, not the average one. Robinson said you base the size of the water storage tank based on the needed water pressure for the entire area as if all lots had houses. Hettinger said you have to get the required NFF gallons per minute out that the Fire Chief needs for the specified period of time. Fire Chief Beard said it would have to be a good size tank. If you are going to supply water to your residential homes, you calculate your daily residential needs and then factor in the fire flows and that is how they gauge what the size of the water storage tank should be.

Robinson said that the Site Plan Review Approval had conditions. The official application had water flow calculations in it. Robinson said that it would be interesting to see if those water flow calculations are being upheld. They talked about the variable speed pumps but they also talked about “minimum working pressures of 35 PSI will be maintained at all lots”. Robinson wondered if that is actually true. He would like his questions answered because if they are not, they are breaking the rules to what was approved. It was approved in 2005 based on the rating that it was kept at 35 PSI. That is what the Planning Board approved. Robinson said that we should not issue any more Land Use Permits for buildings if there is not at least 35 PSI at the lot for that house because that is what was approved.

Fire Chief Beard said what they will do is adjust their pumps to meet that requirement. Robinson said they can do that as long as it does not degrade the Town’s equipment. They cannot suck water through the town pumps and ruin the town pumps in the process.

Tanner said that if the lot that you are testing the PSI on has a 7,000 square foot house and not 5,000 square foot, the numbers will be different.

Robinson said that would affect the number and size of the required cisterns.

Fire Chief Beard said that “The Landing” development was approved for four (4) cisterns and so far they only have two (2), so they are not in compliance from that standpoint. Robinson said that he would recommend that the Town Planner should not be giving out Land Use Permits to

build anything else in the Landing until the things come into compliance.

Fire Chief Beard agreed and said the Town Planner should not give out Land Use Permits to build anything else in the Landing until the things come into compliance with the original permit. Bont asked who would test that. Would the town have to hire an engineer to do the testing.

Fire Chief Beard said “The Landing” developers were supposed to have four (4) cisterns installed.

Robinson said they are approved for four (4) cisterns. The Planning Board knows they do not have that, so that alone says “no building permits”. Robinson asked if they put the cisterns underground will they have 35 PSI at every lot.

Fire Chief Beard said that that number of 35 PSI is the town’s working water pressure not the water pressure in the cisterns.

Robinson said that the domestic water at the lot will be maintained at 35 PSI minimum.

Chair Spanos said that even if the water pressure at every lot is 35 PSI that would not solve the fire issue.

Robinson said that we can only hold them to what was approved, so let us at least do that. They said that it would be 35 PSI. They said that there would be four (4) ten thousand (10,000) gallon cisterns. If neither one of those are in place or happening right now, they cannot build because they are not meeting those two conditions.

Bont said that we have already issued a few permits out there and are expecting one or two more any day.

Chair Spanos asked if they were in violation of their subdivision approval. Bont said yes, but she would like to talk to the Town Attorney Peter Malia first.

Beaudin said that in his opinion, if someone paid for a lot and you tell them they cannot build there, that is not right. Beaudin felt that everyone that is involved should be able to come in and voice their opinion.

Hettinger asked that if the original engineers did not follow the codes properly when they gave us the information.

Fire Chief Beard said that the codes change and keep evolving because construction changes so NFPA changes their codes and ISO changes.

Bont said it is not clear that when Horizons countered by saying the area was not suburban, but rural, that Hoyle and Tanner did not say that change was fine. We have nothing in our records either way.

Fire Chief Beard said that there was no collaboration between the two engineers.

Robinson said that the engineer who represented the town said what was wrong, or what they thought was inaccurate. The applicant's engineers came back and said that they will maintain a minimum 35 PSI and what the town engineer said about that is not irrelevant, but it is not enforceable.

Bont thinks that we should consult Peter Malia.

Robinson said that if Peter agrees we should put them on notice that they are violating their application.

Hettinger asked if we stopped the expansion of South Peak because of water issues.

Fire Chief Beard said that the permits had already been issued when Public Works Director William (Bill) Willey brought to their attention the lack of water pressure at South Peak.

Robinson said that the moratorium on that development is based on elevation.

Fire Chief Beard said that restriction on building applied only from Hemlock Road to the cul-de-sac. The lower levels are okay and building is still permitted.

Survey of the Master Plan

Bont told the Planning Board that the Survey for the Master Plan had been sent out and each member of the Planning Board had a copy. She asked them to fill them out! To return the survey, there are boxes at the Community Center, Town Hall and High School.

- V. PUBLIC PARTICIPATION AND OTHER BUSINESS:** Public comment and opinion are welcome during this open session. However, comments and opinions related to development projects currently being reviewed by the Planning Board will be heard only during a scheduled public hearing when all interested parties have the opportunity to participate.

VI. ADJOURNMENT

Motion to adjourn at 7:45 PM.

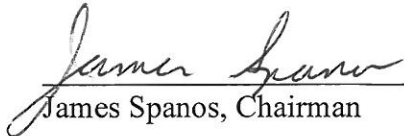
Motion: OJ Robinson Second: John Hettinger

All in Favor: (5-0)

Respectfully submitted,

Wendy Tanner, Planning and Zoning
Recorder

Dated: June 10, 2015


James Spanos, Chairman