

**TOWN OF NEW HAMPTON  
PLANNING BOARD  
PUBLIC HEARING MINUTES  
NEW HAMPTON TOWN OFFICE  
NEW HAMPTON, NH 03256**

January 4, 2010

**MEMBERS PRESENT**

Mr. Kettenring, Mr. Luciano, Mr. Mertz, Mr. Conkling, Mrs. Lynch, and Mrs. Gregg (7:05 PM)

**OTHERS PRESENT**

Mrs. Lucas, Town Administrator

**CALL TO ORDER**

Mr. Kettenring called the meeting to order at 7:00 p.m.

**2010 ZONING AMENDMENT  
PUBLIC HEARING**

*Amendment #1, Article VIII - Administration and Enforcement*  
Mr. Mertz read the proposed wording into record.

Mr. Kettenring asked for comments from the public.

Neil Irvine asked for the purpose for this change. Paul Tierney, Selectmen, advised that the Board of Selectmen (BOS) previously based the need for a building permit on the amount of square footage being added or renovated. Mr. Mertz advised that the BOS calculated that improvements of less than \$5,000 in value, costs more than the money spent for the assessing firm to visit the property than the money gained in taxes. Mr. Mertz advised that the BOS wanted to clarify the need for inspection by the Fire Chief for heating systems, even though it is already a state requirement, they wanted property owners to be advised. He stated that the Certificate of Occupancy was to avoid someone occupying a residence prior to it being safe to do so.

Pat King asked relative to the statement "The Board of Selectmen or their agent" wanted to know who the agent would be. Mr. Mertz advised that this was written this way so that a Code Enforcement Officer, if one was ever approved by the voters, the Fire Chief or whomever the Board appoints would then have the authority to enforce this ordinance. Ms. King wanted to know why the Selectmen would want to know the occupancy of a residence as the Census Bureau does that. Mr. Mertz advised it wasn't for the purpose of counting people but to ensure that the residence was safe for occupancy. Ms. King asked how the town would verify whether construction was valued under \$5,000. Mr. Mertz stated that as part of the cyclical review by the assessors, any construction over \$5,000 will be listed and that property owners were on an honor system in estimating their proposed improvements.

There was some discussion regarding the State requirements for life safety codes and the need for inspection by the Fire Chief. Ms. King and Mr. Irvine asked if there was a charge for these inspections and Chief Drake advised that there wasn't at this time but that this could change. He stated that recently he has had to spend considerable time

with a business and school in town performing these inspections and as laws relating to Life Safety Codes change it is possible more time will be required by the Fire Chief. Chief Drake added that in other communities installers have had to pay installation permit fees. Ms. King asked what would happen if the voters vote these proposed amendments down, would he still have to inspect the heating systems. Chief Drake advised that he would still be required to perform these inspections as they are State law. Ms. King asked the Chief if he sees more wood stove fires or chimney fires and the Chief advised it is 50/50. Ms. King said she feels the most important issue is educating the public to these hazards created by stoves and furnaces.

Barry Draper asked why, given the state of the economy, the BOS is *now* looking at requiring an Occupancy Permit. Chief Drake advised that there are more contractors cutting corners and not building to State codes and the Occupancy Permit can help avoid costly legal fees if problems arise. He added that the Town wouldn't be limiting construction, just verifying that it was done following the required Life Safety Codes. Mr. Draper asked how this is helping the people in town and Chief Drake answered that his main goal is to prevent loss of life and prevent fires.

David French said that he felt that bank and insurance carriers insured that homes were built to code therefore he didn't feel the Town should need to inspect for this. Chief Drake advised that he had seen instances in the recent past where an insurance company missed items relative to fire code, which would have had a negative effect on the property owner.

Mr. Mertz outlined the documentation required to obtain an Occupancy Permit.

Mrs. Lucas advised in response to Mr. French's comments, that these proposed changes are not relevant to whether a building code was followed as those codes are the responsibility of the owner or builder.

Mrs. Lucas gave examples of issues relative to the need for a Certificate of Occupancy.

1. State issued permit to construct a septic system and the fact that the state does not require that the designed system be installed. She advised that there have been many times someone has occupied a home without ever having installed the septic system or they installed it themselves and never had it inspected by the state.
2. Driveways permits that were issued with specifications that were incorrectly installed. She advised the owner would have to have the driveway construction reviewed by the Road Agent to ensure it was done in accordance with the permit.

Ms. King asked if the Town was going to perform inspections on existing heating systems and Mr. Kettenring advised that they were not, unless a property owner requested it of the Fire Chief.

Tim Stearns asked if he were to install a new wood stove in his home would he have to get a permit and why. Mr. Mertz advised that this

would then trigger an inspection by the Fire Chief for safety issues. Mr. Tierney added that replacement of an old wood stove with a new one is a very good time to ensure that issues such as having a chimney that can handle the new stove, proper clearances to combustibles, etc. are all to state specifications. Chief Drake advised that regardless of whether this amendment is approved he still has to inspect these systems as it is required by the state.

Mr. Kettenring advised that he would like to keep the discussion on track to whether or not there should be any changes to the wording of the proposed ordinance.

Mr. Irvine asked if the BOS has the authority to assign an agent to enforce these regulations. Mrs. Lucas and Mr. Kettenring advised that they do currently have this power and have had this power since the adoption of the ordinance in 1986. Mrs. Lucas added that there is no appropriation to hire someone for this purpose.

Mr. Tierney advised that the Road Agent is appointed by the BOS to act as their agent in some matters. He gave another example of an applicant wanting to build a large hotel on Route 104 and that the Fire Chief could request a fire safety engineer go over those plans and the BOS could then advise the applicant that it would be at a cost to them.

Mrs. Lucas advised that the BOS or their assigned agent can enforce the entire ordinance, not just the building issues being addressed with this proposed change, ie. setbacks, building usage, etc.

Mrs. Lucas advised that after speaking with town counsel that the wording be removed, which states "sign permits shall be renewed every 5 years" as once a sign permit is approved there is no point to reviewing it. She said that town counsel recommended that some wording be removed relative to the proposed "Substantial Improvement" definition.

Mr. Kettenring made a motion, seconded by Mr. Luciano, to remove the wording advised by counsel. Vote passed.

Mr. Kettenring advised that a 2<sup>nd</sup> hearing will need to be held as the wording is being substantially changed.

Mrs. Lucas asked the board if they would like to add the requirement for the installation of Carbon Monoxide Detectors to the list of items required for the Occupancy Permit, as it is a state requirement as of Jan. 1, 2010.

Mr. Mertz made a motion, seconded by Mr. Conkling, to insert "Installation of Carbon Monoxide Detectors" after Smoke Detectors as "f". Vote passed.

It was moved by Mr. Mertz, seconded by Mr. Conkling, that Zoning Amendment #1 go to a 2<sup>nd</sup> public hearing on January 19, 2010.

*Proposed Zoning Amendment #2, Article V.E. – General Provisions, Signs*

Mr. Mertz read the proposed wording into record.

Mr. Mertz advised that this is really a housekeeping issue and only affects commercial. He said the way it was written and the way it has been applied is not consistent. He gave the example that a large commercial building might have a small sign on one end, another small sign in a different location, and one more sign on top. If you add the square footage of all of these together it is no more than 5% of the building face, which the BOS determined was acceptable. Mr. Mertz advised that if the current wording was read verbatim a commercial business would only be allowed one additional sign. For this reason the BOS felt that this issue should be clarified.

Mr. Kettenring asked for comments from the public.

Pat King asked if the board could consider placing restrictions on what time of signage there is, making it “New England” in style. Mr. Kettenring advised that the board could look at this issue in the future.

It was moved by Mr. Mertz, seconded by Mr. Luciano, that the proposed Zoning Amendment #2 be placed on the Town Warrant, as written. Vote passed.

*Proposed Zoning Amendment #3, Article V.K (6)(i) – General Provisions, Personal Wireless Service Facilities*

Mr. Mertz read the proposed wording into record.

Mr. Kettenring asked for comments from the public.

Tom Smith pointed out that if the wording states that “in the presence of trees and vegetation the tower could be 20 feet above the average tree canopy height”, then the tower could be added to every year, in keeping with the growth of the trees. Mr. Kettenring advised that this could be the case. Mr. Kettenring advised that this change is to address a serious void in the current regulations. He said that because of the expense involved in adding to the tower height he feels it would be more likely that a tower company would prefer to trim the trees. Mr. Mertz asked if there was a restriction on how much trimming is allowed. Mr. Kettenring advised that they cannot cut them out entirely but there is nothing that states they cannot trim them, as long as they maintain the 20 foot difference this proposed amendment allows.

Barry Draper asked if there was a minimum tower height for it to work effectively. Mr. Tierney advised that there is a minimum height requirement as it is based on line of sight. For this reason, he explained, an applicant will submit a chart that shows what location they’ve chosen and what area it will cover, with what height it will be. Mr. Draper asked if there is a limitation as to how many towers

are allowed in the town and Mr. Kettenring answered there was not.

It was moved by Mr. Mertz, seconded by Mr. Conkling, that the proposed Zoning Amendment #3 be placed on the Town Warrant, as written. Vote passed.

**ADJOURNMENT**

Motion to adjourn was made by Mr. Mertz and seconded by Mr. Luciano. The meeting was adjourned at 8:14 p.m.

Respectfully submitted,

Pamela Vose

DRAFT