

**Haverhill Planning Board Minutes Nov. 26, 2013**  
**Draft Subject to Review, Correction, and Approval at Following Meeting**

**Call to Order**

Vice Chairman Mike Bonanno called the meeting to order at 7:00 p.m.

Planning Board members present:

Mike Bonanno

Tom Friel

Bill Daley

Tara Krause

Board members Don Hammond and Mike Simpson were excused.

Also present was Planning Board Clerk Ed Ballam

Members of the public: Thomas Smith and John Page

**2, Designation of Alternates**

No alternates to designate

**3. Agenda Approval**

Bill D. made a motion to accept the agenda as presented, seconded by Tom F. The vote was unanimous.

**4. Approve Minutes of Previous Meeting**

Bill D. made a motion to approve the minutes of the Oct. 22, 2013 meeting, seconded by Tom F. The vote was affirmative.

**5. Scheduled Public Appearances**

Mike B. opened a public hearing on a Lot Line Adjustment for property found at Tax map 206, Lots 3 and 15 submitted by John and Charlene Aldrich and the United Methodist Church of North Haverhill. The hearing was opened at 7:05.

Tom Smith, a land surveyor for the applicants, presented the plan to the board. He said the basic plan was a lot line adjustment between property owned by the church and the Aldriches. He said the plan called for the relocation of the boundary line between the two lots to create more parking area for the church to the rear of the building which is located on Route 10. The concept is to move the lot line about 84 feet back into the Aldrich property to create a larger parking area. Tom S. said the current church lot is .82 acres and the Aldrich property is 19.35 acres. The adjustment area is .46 acres, giving the church 1.28 acres and the 18.89.

Tom F. said he's seen the traffic situation and parking on Sunday morning on Route 10 and around the church and he can appreciate the need for more parking. Other board members agreed.

Tom S. said the area in question is currently a plowed field and is relatively flat.

Tom F. made a motion that the hearing be closed at 7:10 it was seconded by Tara K. seconded. The motion was carried by a unanimous vote.

Tom F. then made a motion to accept the application as complete, Bill D. seconded. Ed B. said technically, the application was not complete because an additional \$75 was needed for the application fee. Ed B. explained that Tom S. had in his files an old application that did not reflect the increase from 2011. Ed B. also said it was not worth holding up the acceptance of the application as complete and suggest that if it were to be approved, that a notation be made that the additional fee needs to be paid. The vote was unanimous.

Tom F. then made a motion to approve the application with the condition that the additional application fee be paid. Bill D. seconded it. The vote was unanimous.

## **6. Correspondence/Communications**

Ed B. said he did not have any communications or correspondence, but pointed out that Planning Board Chairman Don Hammond had just prior to the start of the meeting had presented the board with a copy of the 2005 building code ordinance and asked that two public hearings be called, one for the December meeting and the second for the January meeting.

Ed B. said from what he gathered from the brief comments by Don H. is the fire chiefs and selectmen want to try to have another vote on the codes at the town meeting. Ed B. asked Tom F. if that was his understanding of the intent. Tom F. said he was not present at the Monday night meeting just prior to the Planning Board meeting where this subject may have come up.

Tom F. said one apartment building in Woodsville was shut down with 13 units in it. Tom F. asked Ed B. to fill in some details. Ed B. said it was his understanding that there was a problem with a propane odor in the building at 2 Perkins Place and when the fire department went to investigate, they found no alarms in the building. Ed B. said he is not the Woodsville Fire Department and doesn't know the whole

story. Ed B. said he heard the state's fire marshal was called in to help with the situation and at least some of the apartments were evacuated.

Tom F. said the action was taken because it was a hazard to the tenants and it is a potential hazard to any firefighter who may be asked to go into the building and fight fire.

Tara K. said she had some concerns with the building code ordinance and the request. She said she was concerned about at least one selectman's stated goal of eliminating low income housing to help improve school test scores and relieve a burden on special needs education. She feared that this proposed re introduction of the ordinance would be "phase one" toward that goal.

Tom F. said he agreed that that was not a proper goal and added that intent is to make housing safer for occupants and for firefighters alike. Tara K. said she agreed with that goal, to have safe housing for everyone. However, she said there are many single family homes that are unsafe as well and the building code says nothing about those.

Ed B. said he shared the concern Tara K. had, but added that because the fire chiefs and the selectmen had asked for a public hearing, as presented by Don H. the planning board has an obligation to hold the public hearing.

Bill D. said he had some concerns about the building code ordinance as well, particularly some of the wording that doesn't make any distinction between single-family and multi-family units. He said the board has been asked to hold a public hearing in two weeks with no notice.

Ed B. said the board could advertise for the first public hearing and the planning board could say it doesn't like the ordinance as presented, or the board loves it depending on how the majority feels, and then make any changes and go to the second hearing in January with the new proposal. That would become the final draft and the public would then make comments on that as well.

Bill D. asked who is responsible for writing the building code ordinance in a manner that might be more acceptable to the board and the voters.

Mike B. said he would think it would be up to the fire chiefs, the precinct commissioners and the selectboard that make up the fire committee to come up with the verbiage.

Ed B. said that from what he gathered from Don H., it sounds like the committee wants to go with exactly the language in the 2005 draft ordinance and just update it with current dates and times.

Tara K. said there are problems with that because she said there are no definitions that accompany the proposed building code ordinance. She said she would also like to see the building and life safety codes and she would like to study the building application process and a lot more information.

Ed B. said the concept of the building code ordinance being presented now caught him completely by surprise and he could have gotten all that information with more notice than 10 minutes before the meeting.

Tom F. said it was his understanding that the life safety codes have been passed in Haverhill and are on the books, but they have not been enforced.

Tara K. asked who is, or was supposed to be enforcing them. Tom F. said there had been a third-party inspector and the fees collected for inspection were to help pay that position. The third-party inspector program is no longer in effect, Tom F. said, adding that he too wonders who will be enforcing the building codes.

Ed B. said the authority lies with the fire chiefs or their designees. Tom F. said that now that the town has switched its funding method for the fire departments, the town wants the building code inspections to be uniformly enforced in all sections of town.

Mike B. asked who a building inspector would ultimately report to if the town decides to go in that direction.

Ed B. said his guess would be the employee would report to the town manager with a link to the three fire chiefs in town. Tom F. agreed.

Mike B. asked why the Planning Board has been asked to host the public venues for the ordinance hearings and take a leadership role in the effort.

Ed B. said it was merely a technical issue in that it's an ordinance that regulates property so the Planning Board would be the venue for holding hearings.

Ed B. said that after the public hearings, the Planning Board would be asked to recommend or not recommend adoption of the warrant article to be decided by voters at town meeting.

Ed B. said that the building code ordinance has been presented to the board as, essentially, a third-party submission and the board can treat it as a petitioned article choosing to recommend or not recommend the provisions of the ordinance.

Bill D. said often in the town report and on the ballots, voters see recommended or not recommended by the particular, relevant board.

Ed B. said the solution might be to treat the request as a petitioned article and not change a thing, except the dates, and then hold the first public hearing.

There was some more general discussion and then Bill D. made a motion to have two public hearings, the first to be held on Dec. 17 at 7 p.m. and the second to be held on Jan. 22 also at 7 p.m. to discussion and receive comments about the proposed building code ordinance for Haverhill. It was seconded by Tara K. The vote was unanimous.

Bill D. asked that the clerk be in contact with the selectmen and the fire committee to let them know the board had concerns about the ordinance to give them time to prepare. Ed B. said he would do so. Mike B. asked that because the planning board will be running the public hearing, as many members as possible be in attendance because Chairman Don H. might have to be in the audience asking and answering questions rather than running the meeting.

## **7. Reports of Committees**

None

## **8. Pending Business**

No pending business. Ed B. said he still hasn't had time to take care of the gravel permits.

## **9. Other New Business**

None

## **10. Public Appearances (Not Previously Scheduled)**

None

## **11. Comments of the Clerk**

None, except to say he will take care of the tasks necessary to hold the public hearing.

## **12. Comments of the Planning Board**

Tom F. said there have been some concerns raised about the timeliness of the minutes. He said the state law requires them to be done in seven working days.

Mike B. said he is sure the clerk will try a little harder.

**13. Other**

None

**14. Adjournment/Next Regular Meeting**

The meeting was adjourned 7:28 p.m. The next meeting is early because of Christmas schedule. It will be held Dec. 17 instead of Dec. 24 which is Christmas Eve.

Respectfully Submitted,  
Ed Ballam,  
Planning Board Clerk