

Town of Milton
424 White Mtn Highway
Milton NH, 03851



Planning Board
PO Box 310
(p)603-652-4501 (f)603-652-4120

Meeting Minutes
May 1, 2018
6:30 PM

Members in Attendance: Joseph Michaud, Peter Hayward, Brian Boyers, Larry Brown, Lynette McDougall, Matthew Morrill, Also in Attendance Bruce Woodruff Town Planner, Dana Crossley Land Use Clerk

Excused Members: Ryan Thibeault Ex. Officio, Bob Graham Alt.

Public Attendance: George Szirbik, Tina Bonsall, Roland Turgeon, Michael Shea, Downe Shea, Brian Turgeon

Chairman Boyers called the meeting to order at 6:30pm.

Public Comment: No public comment

Public Hearing: Request to Revise a Previously Approved Subdivision to Remove the Condition to Sprinkler the Dwellings on the Lots: Brimko Corporation Applicant, Middleton Rd, Milton NH, Tax Map 29 Lots 5.1, 5.2, 5.3 & 5.4: Roland Turgeon of Brimko was in attendance with Brian Turgeon, explained the request to have the sprinkler condition of the subdivision approval removed. B. Turgeon feels there should not be any requirements to have sprinklers in the houses and asking the board to remove that provision, spoke with the Fire Chief Nick Marique there is no code in the State of NH or Milton to have sprinklers.

Chairman Boyers explained the sprinklers to be in each house was a prevision put on the subdivision in 2007. L. McDougall questioned what the Fire Chief had said in an Email to the Board, thought the email said he did have a problem with it in regards with the State. Chairman Boyers clarified that the State does not require sprinkler systems. L. McDougall questioned why the applicant did not want to install sprinkler systems. (B. Turgeon explained that it is an \$8,500 expense to building a house and there is no market for it, the house next door did not have to install sprinklers.) L. McDougall expressed concern of the damage forest fires can do and that as a community does not want to see neighbors' homes burn down because they do not have a sprinkler system.

M. Morrill addressed the email from the Fire Chief that said that he did not see a problem with removing the provision but would like to see a fire cistern installed. Chairman Boyers noted he believed the email stated if there was going to be 5 houses built then it would require the cistern, so if this is approved tonight it would be a stipulation on the plan, if a 5th or more built. L. Brown questioned to cost of building a cistern. (B. Turgeon did not have a problem agreeing to if the 5th lot pulls a permit that it would require a cistern to be required, has no problem with that.)

B. Woodruff commented that the Fire Chief's recommendation deals with if it is considered a five lot subdivision or four lot subdivision can add the condition that as soon as a 5th or more houses are built something would happen sprinklers or cisterns, the Fire Chief also said the driveways to the house in the back needs to be constructed as shown on the plan so that fire apparatus can get in there. B. Woodruff

5.1.18 Planning Board

continued that he does not know if or when the applicant plans on further subdividing the lot in the back, but at that point the need will be there to either place cisterns or sprinkler all of the homes as per the regulations, recommends to do a middle ground change the condition from sprinkler 4 homes to putting in one cistern, drafted a potential location on the map provided.

L. Brown questioned a cistern for the potential build out, sufficient for the entire construction. B. Woodruff replied that he would assume, homes in the back would possibly need a second cistern.

J. Michaud questioned if from growing up Somersworth knows the Turgeon's questioned if the board felt he should recuse himself. (L. Brown noted the decision to recuse is at the determination of themselves, no other board comment) J. Michaud questioned where the closest tie in is. Chairman Boyers replied it would be a pumper truck. P. Hayward noted the closest fire hydrant is in Farmington. Brian Turgeon questioned if the board understand that there are two different owners, the large lot is owned by himself and the smaller four lots by Brimko, further stated that there is no further subdivision for the 50 acre lot and it would need to come before the board for any further subdivision. Chairman Boyers explained that since it was all under one subdivision that is what they are dealing with.

Chairman Boyers opened to the public. No public comment. Closed Public Comment.

Board discussion: J. Michaud questioned if there are other types of fire alarms that could be used in place of sprinklers. Chairman Boyers noted that building codes require smoke detectors.

L. McDougall questioned if they would be willing to do a cistern. (B. Turgeon does not want to put on in with the four lots, because zoning does not require one for four lots, would like to follow the standard) Chairman Boyers noted the Fire Chief had no problem with the four lots provided it is part of the conditions that any more expansion over four dwellings would require either a cistern or sprinklers, the State of NH does not require sprinklers. (B. Turgeon commented that on the remaining lot, the 5th lot, a cistern would be installed) Discussion of installation of sprinklers after homes are built and sold.

L. Brown questioned if B. Woodruff would repeat his middle ground recommendation. B. Woodruff replied when he made the recommendation for the one cistern was under the impression that the properties were all under one ownership, but with the new information his middle ground recommendation in lieu of sprinklers which at the time the Town could make that condition because the State had not changed the RSA, would be that at such time there is a 5th dwelling that should trigger the need to build a cistern.

P. Hayward motion to modify the existing condition of the previously approved subdivision to eliminate the requirement to provide sprinkler systems for each principal structure per lots 5.1, 5.2, 5.3 and 5.4, and upon application of a 5th dwelling a cistern shall be required within the original tract of the subdivision. (The construction of a 5th dwelling shall require a cistern to be built) J. Michaud seconds the motion. All in favor, motion carried.

All other conditions of the previously approved subdivision remain unchanged and in effect.

Concept Review per RSA 676 II (a) and (c): Jones Brook LLC, George Szirbik, Gravel Pit Renewal Permit, Map 17 Lot 22: George Szirbik attended the meeting to clarify how much detail the board required during the review for the renewal of the gravel pits, last review was done in 2013 has added an additional pit since then. He explained that pit 1 closed years ago, pit 2 closed except for they use it as a processing area crushing plant and stockpile of materials, pit 3 closed a long time ago, pit 4 opened originally in 2006 closed for an extended period of time, pit 5 is practically closed now reseeded and

5.1.18 Planning Board

grading some work in the corner to finish up, pit 6 is waiting State approval. Biggest question is he has submitted copies of the pit 4 and 5 with the original topography and approved topography for excavation everything is not exactly the way the plans were because they did not get the depth in several places, he questioned if the board is looking for additional survey work to document what is physically on the ground or if a site walk would be adequate, in 2013 asked for a waiver on updating topography which was granted and would like to do the same for the renewal again rather than having a surveyor come in and do a topo, especially pit 5 since it will be changing again in a few weeks. Would like the board to accept the application as complete to move forward with scheduling a public hearing.

P. Hayward noted that pit 5 was the one that they walked, passed through the others. L. Brown questioned what kind of water table issues they have encountered. George Szirbik replied it is flooded currently due to the box culvert under the railroad and the beavers. L. McDougall questioned if they will be looking to open a 7th pit. George Szirbik replied it is possible in the future.

B. Woodruff clarified what the applicant is asking to not submit an excavation plan or restoration plan, that is what he is asking the board, he sat down with the applicant to try to make it easier for the applicant, rather than coming in for an excavation permit for every pit should come in for one excavation permit for the entire property but that is a lot of money and applicant did not seem to want to do that, but says very clearly in the third paragraph under general procedures of the Earth Excavation Regulations, *'no excavation permit shall be issued before duly notified public hearing has been held nor before a completed application has been received containing all of the following in satisfactory form...'* explained that it is two and three of that list the applicant is asking to not have to submit the plans, applicant is looking to find out if they need do a full set of plans or if an excavation sketch would be allowed.

Chairman Boyers questioned if this needs to go back before the State and would they require the plans. George Szirbik explained that the State has not required them in the past, the plans are on file show the restoration plans and the restoration is done on pit 4 which is the only thing that is new since they came before the board in 2013, pit 5 is the only one that is still operating and are virtually done with that now, noted that only a corner is left that has not been seeded wondered how much is required to submit. B. Woodruff noted they could take the original plans that could be fluffed up to an extent to meet the requirements, bottom line there are no plans (G. Szirbik commented that they do have plans, they have the original plans for pit four and five) they are five years old which is the issue.

L. Brown question is at what cost and what benefit, is it a statutory benefit or practical benefit. George Szirbik stated that recreating topography as it exists now after the excavation does not really accomplish anything for anybody, does not see the benefit, to resurvey multiple acres with varying contours is fairly costly does not think the board will gain anything. L. Brown in terms of the State are they are going to beat you upside the head because of a statutory. George Szirbik replied that he is not aware of with a pit renewal anything from the State at all, for a new permit you get an AOT, the State asks for updated plans in the future, possibly 2022.

Chairman Boyers commented that he would like to hear from the State, and get their input on it. Board tabled further discussion to receive State input to the May 15th meeting.

B. Woodruff noted that for clarification Town Planner, Land Use Clerk or Chairman does not have the authority to accept application that is not complete, which is why they were in front of the board tonight, wanted to submit an application that is not complete per the board's regulations only the board has that authority, asking to do no plans which is not his recommendation.

5.1.18 Planning Board

Continue: Subdivision Regulation Analysis & Revision: B. Woodruff provided to the board a draft copy of the State's Revision to Subdivision Regulations and Application Procedures, asked the board to review the document and make comments to bring to the next meeting, he has been reviewing the Subdivision regulations to see where it aligns with current laws and

Continue: Discussion of 'On-Call Engineering' Service Agreements: At this time B. Woodruff has not reached out to Engineers but will do that by next meeting, intends to draft a quick RFQ to email to several firms. Will update at the next meeting.

CIP 2018-2024 Process:

- a) **Review and Finalize Schedule:** At the last meeting the board discussed changing the school meeting date, the only other question was if the board wanted to meet on July 3rd, one option is to do a June 26th meeting or July 10th, Board consensus was to keep the regular scheduled meeting of July 3rd. P. Hayward motions to approve the amended scheduled. L. McDougall seconds the motion, all in favor motion carried.

B. Woodruff informed the board he has received submittals from one Department head, is meeting with Department Heads next week, and believes they will be making progress for the 15th.

- b) **Discuss Previous Year Status:** The spreadsheet will have a column of the last three years that received funding, won't see the Fire Pumper as it was defeated at the polls, not certain if the boat launch since it did not make it to the voters, many of the other projects or equipment. The Superintendent has agreed to attend the Department head meeting and B. Woodruff has spoken with Nathan Castle.

Town Planner Comments: B. Woodruff commented that with the new members on the board, he has some Planning Board education, power points etc. that can be put up on the board and wanted to know if the new members are interested in doing that. All board members were in favor in receiving a refresher on plan reading.

Approval of Minutes: April 17, 2018 meeting minutes, J. Michaud motions to accept the minutes as written, L. Brown seconds the motion, all in favor motion carried.

Other Business: None

J. Michaud motions to adjourn, M. Morrill seconds the motion all in favor, motion carried.

Respectfully submitted,

Dana Crossley
Land Use Clerk