

A special meeting of the City Planning Board was held on June 2, 2010 in the Second Floor Conference Room in City Hall at 7:00 PM.

Present at the meeting were Members Drypolcher (who as Chair presided), Swope, Foss, Hicks, Gross, Dolcino, McClure (representing the City Council), and Alternate Member Kenison who was seated for absent Member Meyer. Messrs. Woodward and Henninger, and Ms. Hebert of the City Planning Division were also present as was Ms. Aibel, the City's Associate Engineer, Fire Chief Andrus, and Deputy Fire Chief McGinley.

At 7:05 PM a quorum was present and the Chair called the meeting to order.

Amendments to the Subdivision Regulations

1. Consideration of an **amendment to the Subdivision Regulations** relative to adding a new subsection in regard to requiring automatic fire sprinkler systems for residential construction in subdivisions not served by municipal water supply.
 - a. Public Hearing
 - b. Deliberations and Action on the amendment

The Chair asked the Clerk to provide a summary of the background of this matter.

Mr. Woodward explained that the matter of residential sprinkler systems has been a topic of interest and concern to the Board for the better part of the past decade after the matter had been brought to the Board's attention by the former City Fire Marshal of the Concord Fire Department. After gaining a full understanding of the private and public benefits of these systems, the Board began requiring residential sprinklers in major subdivisions outside of the Urban Growth Boundary. The Board had also directed the Planning Division to prepare a formal requirement for residential sprinklers for subdivisions in the rural areas for consideration as part of a comprehensive update of the Subdivision Regulations.

An updated set of Subdivision Regulations inclusive of a requirement for residential sprinklers in rural subdivisions was submitted to the Board this spring, subsequent to which the Board learned of a proposed statutory amendment (HB 1486) that would prohibit any new local regulation requiring residential sprinklers, although pre-existing regulations could continue to be enforced. The Board then communicated its concerns about the proposed legislation to Senator Larsen, but the draft legislation still contains language that would prohibit the Board from adopting a new regulation or continuing to pursue its current policy if not included in a pre-existing regulation.

At its meeting on May 19, 2010, the Board voted to set for public hearing an amendment to the Subdivision Regulations that would require residential sprinkler systems outside of the Urban Growth Boundary, the substance of which was to be drawn from the draft update of the Regulations now under review by the Board. If, after hearing, the Board adopts this amendment and it is prior to the final vote of the Legislature and the signature of the Governor on the proposed bill, then the new amendment to the Subdivision Regulations would become effective and remain so.

Mr. Woodward reported that the amendment to the regulations had been duly posted and published, and that as far as he knew, the Legislature was scheduled to have voted today, but

obviously, if they had, there would be some additional time prior to the bill being signed by the Governor or being allowed to become law without his signature.

Mr. Woodward reported that the proposed amendment is based on draft language which had originally been provided to the Planning Division by the Concord Fire Department during the development of the update of the Subdivision Regulations. The requirement for residential sprinklers is proposed to be imposed upon all subdivisions which create or establish lots or condominium sites for new residential units that will not be served by municipal water supply. He indicated that the City's Code Division had expressed concern with the last two lines of the proposed language of Section 15.9(3)(b) which would extend an exemption for sprinklers to structures that are accessory to the dwelling unit as long as the accessory structures are 50 feet away from the residence. The Code Division was concerned that permits for sheds are commonly granted but inspections of such installations are of necessity of lower priority such that a shed may end up being installed closer than 50 feet even if it wasn't intended to be. The Fire Department has indicated that it has no objection to removing the requirement for the 50-foot separation; therefore, the staff recommendation will reflect that one modification.

The proposed amendment applies to all subdivisions, both major and minor, on the basis that the benefits of the sprinkler systems in the event of a conflagration would be to allow residents to evacuate the premises and to limit the damage to the property that might otherwise occur prior to the arrival of the Fire Department. These benefits are not differentiated by major or minor subdivisions.

He noted that the Board had been focusing its past actions on major subdivisions on the basis that there would be more dwelling units in relative proximity in a major subdivision for a fire to spread from unit to unit, especially after the adoption of the mandatory cluster ordinance for the RO District in 2007. However, all new units in the City's rural area are confronted with the same reality of a location outside of the Urban Growth Boundary, being dependent upon private wells, having no on-site fire suppression capabilities, being remote from the City's fire stations in terms of distance and time, and there being no plans by the City to ever extend the water system or build fire stations in this area.

Historically, fires in homes in the City's rural area have often resulted in the Fire Department arriving with tanker trucks in time to stop the spread of a fire to surrounding properties but not to save the structure where the fire started. Fortunately, to date, there has been no loss of life from a fire in the rural area. Residential sprinklers will provide long term benefits to life safety and property protection whether the unit is in a major or minor subdivision. A requirement for the sprinkler systems in all rural subdivisions would provide equitable and comparable circumstances for new units in subdivisions outside the Urban Growth Boundary, and the adoption of the proposed amendment is recommended by the Planning Division with the previously noted deletion of the provisional language in Section 15.9(3)(b).

Public Hearing

The Chair then opened the public hearing and recognized Deputy Fire Chief McGinley who spoke about the past discussions that he and his Department had had with the Board concerning residential sprinkler systems. He provided a summary of the advances in these

systems over that time period and explained that requirements for these systems have been incorporated in contemporary Building and Life Safety Codes.

Deputy Fire Chief McGinley then presented a video of a demonstration of the effectiveness of these residential sprinkler systems which had been conducted at the NH Technical Institute, whereby two structures were created to simulate dormitory rooms, inclusive of the furniture. One unit was equipped with a residential sprinkler system, and the other was not. The rooms were simultaneously subjected to ignition from an open flame which started a small and smoldering fire in each unit. The film showed that the sprinkler system in the equipped unit went off relatively quickly and suppressed the fire in that unit. The non-sprinklered room appeared to be burning modestly for a few minutes, which Deputy Fire Chief McGinley pointed out would correspond to the length of time for a call to be made to the Fire Department about a fire and the fire fighters and trucks getting ready to leave the station. In about the length of time it would take for the fire trucks to be proceeding to the scene of the reported fire, the room burst into a conflagration.

Deputy Fire Chief McGinley explained that the a contemporary residential sprinkler systems for a typical home utilizes a water tank of 200-250 gallons in capacity, similar in size to a heating oil tank, and the piping is plastic. The systems are not set off by smoke, strictly fire, and home insurance premiums are reduced in recognition of the benefits of the systems. Installation prices, which were obtained from local contractors, can run from \$4,000 to \$7,000 for a typical home, although some systems can run as high as \$10,000 to \$14,000. He further noted that the sprinkler heads can be flat white discs so as provide an aesthetically acceptable appearance on finished ceilings.

Ms. McClure asked why the Legislature was considering the moratorium on such systems. Mr. Woodward displayed a copy of an article from the Nashua Telegraph in which homeowner control was cited. Ms. McClure also inquired as to whether the Fire Department inspects the installation of the system as well as provides continuing inspection of the system once installed. Deputy Fire Chief McGinley responded that the initial installation is all that is inspected for this type of system.

Ms. Foss raised a concern about future requests for waivers, and asked about the fire response time radii for areas outside of the Urban Growth Boundary. Chief Andrus responded that the Fire Department has done studies of response times and mapped areas where the response time is less than 4 minutes which corresponds closely with the Urban Growth Boundary, while outside the Boundary, the response time increase from 4 to as much as 12 minutes. These maps were displayed on the screen for the Board's benefit, and Mr. Woodward posted the Future Land Use Map to remind the Board of the location of the Urban Growth Boundary.

Mr. Gross asked for clarification of the wording, "not served by municipal water supply". Mr. Woodward explained that there is no municipal water supply outside the Urban Growth Boundary, nor is there any intent to provide it, but there are a few locations within the Boundary where the water supply is not present but is feasible to extend. In these instances, the Board's regulations require an extension of the water system to be made if a site proposed for subdivision is within 1500 feet of the municipal system.

The Chair recognized Bill Norton who related the circumstance of residential sprinklers in homes of retirees who might go south in the winter and encounter the problems with frozen

pipes. He also indicated that sprinkler heads are subject to corrosion, and that leaking systems are not covered by insurance. These systems have become part of the escalating maintenance cost of a home. Mr. Norton expressed the opinion that residential sprinklers should be the choice of the home owner.

Mr. Hicks raised a question about the potential for a catastrophic failure of a system. Deputy Fire Chief McGinley responded that this is a very rare circumstance, generally related to improper installation.

Ms. McClure noted that there would be a public benefit and cost savings from a reduction in the demand on the Concord Fire Department from outside of the Urban Growth Boundary if sprinklers were to be required.

Deputy Fire Chief McGinley indicated that his research revealed that insurance policies will cover damage from a fire, as well as smoke and water damage, including any damage from suppression actions of the Fire Department.

There was no one else who wished to speak for or against this amendment and the Chair declared the hearing closed at 8:02 PM.

Mr. Gross moved that the Planning Board adopt the proposed amendment to the Subdivision Regulations in respect to automatic fire sprinkler systems for residential construction in subdivisions not served by municipal water supply, subject to the deletion of the portion of proposed Section 9.15 (3)(b) which reads, "provided that such accessory structures are no closer than fifty (50) feet to a residence or dwelling unit". Mr. Swope seconded. There was no further discussion and the motion passed unanimously. Board members then proceeded to sign the Certificate of adoption which the Clerk will deliver to the City Clerk in the morning, thereby effectuating the amendment.

Old Business

2. Review of the **proposed new Subdivision Regulations** focusing on Chapter 4, Design Standards, inclusive of Sections 23-29, and other sections as time may permit.

Mr. Henninger began with a review of Section 29, Fire Protection, of the proposed Subdivision Regulations. Mr. Gross commented that the wording in the draft regulations with regard to the residential sprinklers, should now be made to conform to the amendment just adopted.

Limiting the length of individual private drives to 1000 feet was discussed next. While some members suggested that the limit be less than 1,000 feet, Mr. Swope felt strongly that it should not be less than 1,000 feet. Mr. Henninger reported that national standards are in the range of 300 - 600 feet. The Board recommended deleting this section since it is a duplication of Section 20.09(6).

Standards for gates for fire access were discussed next. It was reported that the Centerstone Apartments off of Loudon Road was the City's only gated community and the gates are equipped with opticons so that an approaching Fire vehicle can open the gate.

It was noted that gates are usually for a secondary means of access but that there is a need for maintenance of the gate and access particularly during snow events. The secondary access gates usually are equipped with a knoxbox for which the Fire Department has a key. Board members agreed that better wording is needed in reference to a permanent means of maintenance for gates.

The next section to be reviewed was Section 23, Storm Water Management, for which the Board noted that they wished to de-emphasize use of municipal storm drain systems and emphasize on site retention and infiltration of runoff in the wording of Section 23.03.

It was agreed to delete the reference to road slopes of 6% or greater from Section 23.04, and it was further agreed to modify the language of Section 23.05 relative to the maintenance of private drainage systems.

Ms. Foss spoke about the need to minimize the amount of storm water leaving a site and the importance of pre-treatment of runoff before it enters surface waters. She recommended de-emphasizing the use of existing surface waters and focusing on infiltration and groundwater recharge.

Ms. Foss asked if there was any way to evaluate the cumulative impacts of multiple small minimum impact projects. She also questioned the appropriateness of a 10-year storm as a design standard.

Ms. Aibel explained the storm water design standards as contained in Sections 23.08 and 23.09, and noted that there was no simple way she knew of to evaluate the cumulative impacts of multiple small minimum impact projects. She also explained why the 10-year storm is commonly used as a design standard.

The Board agreed for the next time to continue the review of Chapter 4 with a focus on those provisions and standards that represent changes from current provisions and standards.

Board members were reminded of a Public Forum sponsored by Concord 2020 to present the recommendations from the consultants who conducted the review process for the Concord Zoning Ordinance, to be held on Tuesday June 15, 2010 at 7:00 PM in the City Council Chambers. Whereas it is the night before the Board's regular meeting in June, Mr. Woodward indicated he would be attending, but that Board members were certainly welcome to attend if they didn't mind being out two nights in a row. He also noted that the consultants had indicated that they would be making a presentation directly to the Board at some point after the Forum.

There was no further business to come before the Board and the meeting adjourned at 9:35 PM.

A TRUE RECORD ATTEST:

Douglas G. Woodward
Clerk