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**Town of Henniker
Planning Board Meeting
Wednesday, December 9th, 2020
Online via Zoom**

- Members Present:** Chair Dean Tirrell, Vice Chair Bill Marko, Heidi Aucoin, Dan Higginson, Selectman Representative Tia Hooper, Ryan Haley, Scott Dias
- Members Excused:** Keith DeMoura
- Town Planner:** Mark Fougere
- Recording Secretary:** Kelly McCutcheon
- Virtual Zoom Guests:** Town Administrator Joseph R. Devine Jr.

1. Approve minutes from October 28th & November 11th

Tia Hooper moved to approve the October 28th minutes as amended. Ryan Haley seconded. Motion carried 6-0-1(Marko).

Tia Hooper moved to approve the November 11 minutes as amended. Dean Tirrell seconded. Motion carried 7-0.

2. Projects of regional impact. None
3. Public Hearings. None
4. Other Business
Zoning Changes: Draft Building Code, Housing Ordinance & Citation Ordinance

Mark Fougere stated the document emailed to the board had changes made to it since the sub committee met as well as the Board of Selectmen.

Heidi Aucoin asked about the fee structure. An email was sent to the sub committee members to review and is looking at models in other communities to determine the best fit for Henniker. There is another sub committee group meeting on Friday to review and set up the fee schedule.

Scott Dias stated his concern over the 30-day permit period. He is greatly worried about the 30-day time frame and how long that holds residents up since 90% of the permits being applied for are residential. Henniker does not see the commercial development of hotels and tall buildings like Boston where 30 days is reasonable for the scale and complexity. A 30-day time frame for a town the size of Henniker and the scale of permits being applied for is ludicrous and should be amended "up to 14 days". Joe Devine stated the State RSA is written as 30 days; Scott Dias countered the Town reserves the right to supersede the State.

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Dan Higginson stated he 100% agreed with Scott Dias, and that he knows towns that have the 30day permit hold and contractors who just pay the fines to finish the job in the quoted time frame rather than wait for the permits.

Bill Marko had a question on the flow chart of who signs the permits and if the builder must wait for Board of Selectman approval. Tia Hooper stated that is not how it is currently done. Scott Dias stated he has never had to wait more than 10 days in Hopkinton to get a permit. Mark Fougere stated it seemed unusual there was no Selectman approval. Tia Hooper stated they permits use to come before the Selectmen in the consent agenda. Mark Fougere agreed with Scott Dias that up to 14 days is reasonable and that 90% of the permits being pulled are residential. Heidi Aucoin also agreed with up to 14 days.

Scott Dias next concern was the permits being valid for 2 years with a 1-year extension available, for a total of a 3-year permit. Joe Devine stated that is what the sub committee wanted. Scott Dias stated his concern is if someone is building a house one year is reasonable, while 3 years could be an eye soar for neighbors.

Heidi Aucoin asked about meeting again to discuss the fee structure. Mark Fougere stated under the RSA it would need to be posted by January 7, 2021 with the meeting being held no later than January 18, 2021 with a scheduled meeting already planned for January 13, 2021.

Tia Hooper stated she would like wording changed on non-owner-occupied units' exemptions. She stated there seems to be a problem with several facilities not providing clean and safe spaces. Joe Devine clarified that if a 3family building was renovating 1 unit, the whole building would not be exempt, just the unit under renovation. Mark Fougere also clarified that just because the college students have left for break that does not make those units "unhabitable" to qualify for the exemption. Tia Hooper stated she would like to see the word OR changed to AND. Mark Fougere asked for clarification as to why.

Tia Hooper stated over the summer there was a stairwell completely blocked and not accessible. Heidi Aucoin asked if it was being renovated because it was inhabitable. Tia Hooper stated that Scott Dias also saw the blocked stairway. Bill Marko stated if no one were inhabiting the building they could have been blocked off because they were being worked on. Tia Hooper stated multi-level buildings, even if there is no occupancy, cannot block their stairs because it is a safety risk. Joe Devine stated the school when not in session blocks doors because they are not being used for intended purpose when no one is in the building, so it is allowed when the building is not occupied.

Scott Dias stated there is a lot commercial and out of state work being done without permits and he is not sure if it is the towns lack of a building inspector or out of state landlords getting away with what they can.

Bill Marko stated his concern over the exemption for just the housing ordinance, and the reality of having working smoke/carbon monoxide detectors when in the process of renovation before they can even receive their inspection, essentially handcuffs the contractors into not being able

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to do any work. Tia Hooper stated there have been past issues and she does not want those people to say they are exempting from complying. Heidi Aucoin asked what information comes from the permit process. Joe Devine stated just because a building is being renovated it does not make the whole building uninhabitable, if all the bathrooms were removed it would be for example. Heidi Aucoin stated with implementation there will now be an inspector throughout the process while we have not had one.

Scott Dias asked how many hours the inspector will have. Joe Devine stated the budget is for 18-20 hours a week at \$30/hour. Scott Dias stated his approval and that everything should be done electronically according approvals/ Tia Hooper agreed and stated DocuSign works great.

Dean Tirrell stated his concern regarding the \$5,000 rule. Joe Devine stated it is not legal, Tia Hooper stated the P28 was supposed to catch the changes, and Heidi Aucoin stated that only the honest homeowners turn in the P28. Bill Marko stated with the adoption the \$5,000 rule will not apply anymore. Currently residents do not need a permit if they are staying within the current footprint. Permits are needed for outside of the current footprint.

Dean Tirrell stated with the reevaluation people either got hit hard and their taxes made a huge jump; they will read this, and their eyebrows will go up and it could fail, it is going to be tough to pass. Bill Marko stated that without adoption of the building code money is being left on the table. Dean Tirrell stated it needs to be solid when sold to the public, and that it is going to be a tough sell; there should be a back up plan.

Heidi Aucoin asked what specifically makes the \$5,000 rule illegal? Joe Devine stated that the State code says when permits do and do not need to be pulled but does not state a price. Could set it up so first \$5,000 worth of permits is free, and any good inspector would know if a job was over \$5,000. Or set up as no fee for under \$5,000 worth of work.

Scott Dias stated it has been over a year since the town had a building inspector and if the town can really go another year without one given the premium people pay to live in Henniker, and that residents deserve someone to oversee. Tia Hooper stated reputable builders already build to code. Heidi Aucoin stated not every homeowner hires a reputable builder, Tia responded that it is the homeowner's responsibility to vet their contractors.

Bill Marko pointed out the average homeowner does not understand the industry and hires the lowest bidding contractor, not knowing the contractor does not build to code; It is protection not only for the homeowners but also for the honest contractors getting undercut by contractors who do not build to code.

Scott Dias asked what plan b is should it not pass at Town Meeting. Joe Devine stated that without adoption there is no enforcement. Heidi Aucoin clarified that included the housing code. Joe Devine stated the Board of Selectmen have authorized him to contact the Fire Marshal for commercial and 3+ family unit, however this does not cover single family homes or duplex homes. Scott Dias stated if the single family wants an inspection they must pay and

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scheduled separately for the Fire Marshall after already paying the town for a permit as well as the lead time to physically get the Fire Marshall in.

The Planning Board will meet again December 23rd at 6:30 to review the fee structure, subcommittee comments and Board of Selectman comments.

Chair Dean Tirrell moved to adjourn. Tia Hooper seconded. Motion carried 7-0.