

MINUTES OF THE SELECTMEN'S MEETING - September 14, 1992

Present for the meeting which began at 7:00 p.m. were Selectmen Dodge, Johnston and Pimenta with Sandra Gendron taking minutes.

Prior to the first scheduled appointment for the evening checks were signed and routine business matters discussed.

At 8:30 p.m. Louis Maynard, who had written to the Board of Selectmen requesting an appointment to discuss the review process of the Large Building Fire Code which is being conducted by the Fire Wards and a public meeting he had attended regarding same, arrived. Shortly thereafter Frank Fillmore and Jay Marden came in with State Representative Betsey Moore-Whitman also sitting in on the meeting.

Lou stated that he personally felt the code as it is presently written is too restrictive for a town the size of New Boston. He questioned the 5000 square foot minimum (the building size at which, under the existing code a sprinkler system must be installed) stating that he has never understood why this square footage was used and again contended that it was too restrictive. He went on to state that he thought the meeting he attended on August 19, 1992 was for discussion on the details of the existing code, which was under review, and when the questions that he asked were not being answered he became agitated and left, which he stated was the reason he wrote to the Board of Selectmen requesting an appointment.

Lou continued by stating that he had contacted the State Fire Marshall's Office, and persons familiar with the 101 Life Safety Code and the BOCA Code looking for insight as to how they might go about creating a code dealing with large building fire protection.

He went on to relate that he had been told under the National BOCA Code the minimum square footage was 12000 before it was required that the building be sprinkled, and further he contended that this square footage was not cast in stone leaving room for what he termed flexibility. Lou described the requirements of the existing code that he was interested in having reviewed, most specifically the minimum 5000 square feet. He further stated that the individuals he had spoken to had all expressed a willingness to attend a meeting for general discussion of the fire protection of large buildings. Once again, Lou returned to his concern with regard to the minimum square footage used by the existing code from the perspective of installation of sprinklers and questioned the formula that had been used to arrive at 5000 square feet. He contended that this base could be wrong and felt it appropriate to bring in experts to offer suggestions. He related that in talking to the various individuals he had learned that communities might be physically divided as to risk factors; i.e. the village area would be at higher risk than outlying areas, and that generally these points in a code might be negotiated and compromises reached. Again, he stated that in his opinion the existing code was too restrictive and has prohibited growth, and this being the case, he contended that the code needed re-evaluation. He expressed his opinion that there was a need to determine that small businesses were not being adversely affected by the code as it was currently written, and that whatever formula might have been used to determine the 5000 square feet was too restrictive, stating that various portions in a building of that size might have different uses such as storage, thereby minimizing, in his opinion, its potential need for protection with a sprinkler

*into PM
MSF*

system.

Selectman Dodge stated that it should be determined that the minimum 5000 square foot requirement was being looked at under the review taking place by the Fire Wards.

Lou contended that a meeting should take place with the aforementioned representatives to discuss the requirements of the existing code with the Fire Wards, and further to determine what he termed would be the proper rationale for such a code based on the needs of the New Boston Fire Department. He went on to state that the area along Route #114 was, in his opinion, desirable for development, presenting no adverse impact on the community at large.

Selectman Dodge stated that he, personally, did not want to see great development in New Boston supporting what he termed the "Mom and Pop" businesses, and did agree that the Route #114 area was conducive to commercial development.

Discussion ensued as to dates that had been set forth by the Fire Wards for the review of the code and the fact that it appeared to be the intention to have a rough draft of the revised code available in October or November, and discussion continue as to what might be taking place between now and the scheduled date for the rough draft in terms of opportunities for discussion.

Lou stated that it was his opinion that the Fire Department was creating its own code.

Selectman Dodge pointed out that the August 19th meeting that Lou had attended was intended to provide an opportunity for local public input and not a discussion on the merits of the code, further stating that maybe a meeting should be held whereby the merits of the existing code could be discussed. Selectman Johnston stated that he did not support a meeting being held whereby questions, if asked, would not be answered.

Lou contended that when it originally became known that the existing code would be reviewed, the Fire Department was asked that a panel be formed to discuss the code as it is now written and they refused.

Jay Marden requested that input suggesting possible revisions of the code be in writing and supported the need for a group to be put together to study the code.

Selectman Johnston stated that the formation of a group might be appropriate in creating a code, but pointed out that the code is enforce and is now being reviewed having been in existence for a number of years. He supports the method of review using the Planning Boards current review of the Subdivision Regulations as an example of what he termed appropriate; however, he reiterated his opinion that questions, if asked, at a public meeting should be answered.

Lou stated that he viewed the 5000 minimum square feet as a crucial factor of the existing code and had on several occasions asked Fire Ward John Bunting the formula used in arriving at this figure and had not received an answer, admitting to having lost his temper when his

questions were not being answered.

Jay Marden wanted assurances that if suggestions for change were put in writing that they would be realistically looked at by the reviewing body, citing his personal issue with the Planning Boards review of the Subdivision Regulations as they relate to his personal issue of the length of time, which he contends is extreme, required for him to change tenants in his commercial buildings. Much debate ensued on this issue between Jay and Selectman Johnston, with Selectman Dodge pointing out to Jay that the end result was that the issue had not resolved to Jay's personal satisfaction, which did not have the same meaning that the best interests of the community had not been served.

Jay Marden stated that if the revised code was presented in rough draft form as proposed in October or November there would be no opportunity for discussion on the revisions, and he feared that it would be "ram-rodged" thru Town Meeting.

Selectman Johnston stated that those opposing what ultimately might be the revised code would have to take the initiative to try to sway the majority in their favor at Town Meeting. Lou contended that those opposing would be mostly business people and they would feel helpless. There was much discussion on this issue, with Lou stating that the national codes, which have received much study should be used as guidelines when determining what might best suit the needs of New Boston; and, once again, questioned the rationale of the 5000 square foot minimum.

Jay Marden brought up for discussion that the existing code had no right of appeal. Lou stated this was also an aspect of the existing code that he questioned, and that he had asked the individual he contacted who was knowledgeable with regard to the BOCA Codes about an appeal process further stating that since we have a Building Code in place the Building Inspector should do all inspections. Selectman Johnston pointed out the appeal process written into the Building Code.

Selectman Dodge stated that one of the issues the Board of Selectman had been dealing with was trying to get the present Building Inspector to attend meetings and hearings of the various departments so that he might become familiar with current activity and to date he has not participated.

Selectman Johnston pointed out that all codes criss-cross to some extent, and it had been his personal experience that some inspections were conducted by other than the Building Inspector not viewing New Boston as being unique in this regard.

Selectman Dodge asked Lou if, in his conversations with the various persons with whom he had spoken, the existing code was uncommon from the perspective of the appeal process. Lou responded that he had been told every code has an appeal process and this process was not generally administered by the body who had written the code, which was another issue he had with the existing code.

Lou contended that he was looking for an unbiased assessment of the existing code and if the 5000 square foot minimum were shown to be

appropriate for New Boston he would never question the issue again; however, he had gotten the impression from those with whom he had spoken that the existing code was too restrictive. He further stated he was not questioning the need for such a code realizing that it was necessary.

Selectman Pimenta brought up for discussion the subject of inspections and what should be expected of the Building Inspector. In this regard, Selectman Dodge commented that the Board of Selectmen had always favored the Building Inspector assuming the role of Code Enforcement Officer. He went on to express his concern that the scheduled date for the completion of the rough draft of the revised code included only one public hearing for input and offered support for a meeting between the Board of Selectmen and the Fire Wards whereby this concern might be shared. He suggested that Lou give the Selectmen the opportunity to have such a meeting.

Lou questioned what he perceived as reluctance on the part of the Fire Wards to ascertain input from professionals with regard to specific requirements of the code as it is presently written, commenting that it is too restrictive and Fire Ward John Bunting knew it.


Selectman Dodge stated that all would be more comfortable with the review process if it were known that professionals had been reached out to for suggestions and advice.

Lou again stated that the three offices with whom he had spoken were willing to meet to discuss the code and offer input.

Jay Marden returned to his personal issue with the Planning Board which caused much discussion and Selectman Johnston's review of the history of the Planning Board and Jay. Jay admitted to being at fault for some of the scenarios about which he was commenting. There was much heated discussion about the process Jay was addressing, with the Board of Selectmen contending that in some regards Jay was not correct in his statement of the details of the process necessary when he had a new tenant coming into his buildings.

The Board of Selectmen returned to routine business matters and instructed Sandra Gendron to schedule a meeting with the Fire Wards for the next regular meeting of the Selectmen before adjourning at approximately 10:45 p.m.

Respectfully submitted,


Sandra Gendron
Administrative Assistant