

Mont Vernon Planning Board

Public Meeting Via Zoom

August 24, 2021

AGENDA

Times are approximate and subject to change without notice.

7:00 pm Lot Line Adjustment Michelle Folan, 75 Old Amherst Rd Lot 2-39 & 2-40

8:00 pm Minor Subdivision Joseph Carleton Lot 2-49, 2-58, 10-62

8:45 pm Other Business

Mail & Announcements

Review of Minutes 7/13/21

9:00 pm Adjournment

Present: Steve **Bennett**, Bill **McKinney**, Tim **Berry**, Rebecca **Schwarz**, Dave **Hall**

Absent: Jim **Bird**, Chip **Spalding**, Charles **Baker**, Chuck **Anderson**, Eric **Will**, Mike **Lewis**

7:00 PM – Lot Line Adjustment Michelle Folan, 75 Old Amherst Road Lot 2-39 & 2-40

Bennett Called the meeting to order and had everyone stand for the Pledge of Allegiance. **Bennett** seated alternate members **Schwarz**, **McKinney** and **Hall** so as to have a quorum. **Bennett** recused himself from the first hearing and had **Berry** run the public hearing for Michelle Folan, who is proposing a lot line adjustment on Lot 2-39 & 2-40, Old Amherst Road.

Carl Foley, Fieldstone Land Consultants presented the proposal. Lot 2-40 currently consists of 15.3 acres; Lot 2-39 consists of .72 acres. They propose to move the lot lines to have Lot 2-40 consist of 2.62 acres and Lot 2-39 consist of 13.4 acres. There was a topographic survey done where the existing improvements are; there is an existing house and a bungalow/pool house. The proposed Lot 2-39 will have the existing barn with a proposed residence. They are asking for a waiver with regards to topographic features for the remainder of the larger portion of the lot and also a waiver with regards to wetlands. **McKinney** questioned how is this a lot line adjustment as opposed to a subdivision creating a new buildable lot? Foley responded that it is a lot line adjustment that is creating a buildable lot; that's why we are having a public hearing. They are just taking the lot line that separates the two existing lots of record and creating a new lot line. There is an existing driveway which they will be using to service the property. **McKinney** asked for the width of Old Amherst Road at that lot. Foley stated that it is 33'. Rodney & Heather Allain, 71 Old Amherst Rd., live next door to the proposed buildable lot. Their concern is where the new septic/leech field will go; their well is very close to the boundary line. Foley stated that it will have to be at least 75' in distance from their well according to state standard requirements. A septic plan has not yet been prepared; once the size of the house has been determined the septic system will be designed. Hall noted that Lot 2-40 is in current use; there will be a current use event at some

point. **Schwarz** motioned to approve the 1st waiver regarding the topographic survey seconded by **McKinney**. All in favor. **Schwarz** motioned to approve the 2nd waiver regarding wetlands seconded by **McKinney**. All in favor. **Schwarz** motioned to approve the lot line adjustment seconded by **McKinney**. All in favor.

7:20 PM – Minor Subdivision Joseph Carleton, Lot 2-49, 2-58, 10-62

Bennett was reseated for the 2nd hearing. Joseph and Patricia Carleton were present and represented by Joseph Wichert, Land Surveyor. The Carleton's have owned these properties for over 100 years. They are configured as Lot 58 and 49 on Tax Map 2 and Lot 62 on Tax Map 10. The three lots are separated by Amherst and Carleton Roads and have historically been treated as separate lots of record. The Carleton's wish to sell lots 2-58 and 10-62 to the Pomeroy's. After consulting with the Town and Town Counsel, it was determined that because the subject deed includes land on both sides of the roads and the roads are not owned in fee by the Town, municipal subdivision is required. The Carleton's were not expecting this determination but have opted to move forward with the subdivision process rather than contest this determination. The property had been surveyed back in 2014. They upgraded that survey to be a subdivision plan showing the existing tax lots for Planning Board approval. As the earlier work was for a boundary survey only, they did not do wetlands delineation, test pits, high intensity soil survey, set ground control as required for a new development or set corners at every minor change in direction. They are requesting the Planning Board waive Article 4.410.2 (high intensity soils survey), Article 4.410.3(b) (ground control), Article 4.410.3(c) (location of proposed detail) Article 4.410.3(e) (4000 SF suitable leaching area), Article 6.605.1(e)(ii)(corners at every change of direction) and Article 6.605.1(c)(ii)14(drainage analysis and map). Lot 2-49 is already developed and Lot 2-58 is an 11.3-acre parcel. The Carleton's will stipulate that should the subdivision application be approved, lot 10-62 will be subsequently merged with Lot 10-61 (Pomeroy's) and will not be developed individually. As the parcels were always considered existing lots of record, full compliance with the regulations would be time consuming, expensive and a hardship. The land is being sold to the abutters and any subsequent development would need to be approved by the Planning Board. The function of tonight is to be able to sell to the Pomeroy's. Pomeroy stated that he plans to absorb the little piece on the side of Carleton Rd. into his property, subdivide the piece south and sell to his brother-in-law and absorb the rest into the farm. **McKinney** noted that

two of these lots are not currently developed. If we grant these waivers, we've granted them a buildable lot without the requirements for boundary markers etc. He would like to see a note on the plan saying that these waivers would not apply to any future development. Wichert responded that they are calling for setting some new lot corners. They have not set at every angle point; however, there will be enough lot corners on the property that can be reproduced later on which is the intent of the regulation. Anyone wanting to build at a later date, when going for a building permit, would have to do a test pit septic plan and do enough wetlands delineation to prove the site is viable so you could develop a house in that area. They would entertain putting a note on the plan stating that any further subdivision of the property would require Planning Board approval and also will revise the plan and call for setting all major lot corners. **Berry** asked if the Board has any desire to ask for easements. Wichert responded that they used 25' off the center of Carleton Rd., which basically give the town a 50' ROW. The portion on Amherst Rd. is a state road.

McKinney motioned to grant waiver on Article 4.410.2 (Soils Survey) seconded by **Berry**. All in favor.

McKinney motioned to grant waiver on Article 4.410.3(b) (Ground Control) seconded by **Berry**. All in favor.

McKinney motioned to grant waiver on Article 4.410.3(c) (location of proposed details) seconded by **Berry**. All in favor.

McKinney motioned to grant waiver on Article 4.410.3(e) (4000 SF suitable leaching area) seconded by **Berry**. All in favor.

McKinney motioned to grant waiver on Article 6.605.1(c)(ii)10 (corners at every change of direction) seconded by **Berry**. All in favor.

McKinney motioned to grant waiver on Article 6.605.1(c)(ii)14 (drainage analysis and map) seconded by **Berry**. All in favor.

McKinney motioned for conditional approval of the subdivision based upon the additional lot markers being installed seconded by **Berry**. All in favor.

8:00 PM – Other Business

The Board reviewed the minutes of 7/13/21. **Schwarz** motioned to approve the minutes as written seconded by **Berry**. All in favor.

8:15 PM

As there was no further business before the Board, **Schwarz** motioned to adjourn seconded by

Hall. All in favor.

Respectfully submitted,

Joan Cleary

Administrative Assistant