Approved

**AGENDA**

**MONT VERNON PLANNING BOARD**

**Public Meeting July 26, 2022**

Times are approximate and subject to change without notice.

7:00pm Luke Bailey Discussion on Adding Driveway to Pedestrian Access Easement Area

7:30pm House Bill 1661-FN-Local

8:00pm Discussion on Accessory Dwelling Units and other 2022 Action Items

8:30pm Other Business

 Mail and Announcements Review of Minutes 06/14/2022

9:00pm Adjournment

Present: Jim Bird, Steve Bennett, Bill McKinney, John Quinlan, Dave Hall

Community Members Present: Luke Bailey, Zach Johnson

Absent: Chip Spalding

Called to order: 7:00pm

**7:00pm Luke Bailey Discussion on Adding Driveway to Pedestrian Access Easement Area**

**Bailey** recently purchased 5 Dutton Circle, an undeveloped lot, and would like to add a driveway in the area of a pedestrian access easement. **Hall** states that he was the seller on this piece of property so he will be recusing himself from this decision. **Bird** states that there are some Class 6 roads in town that have been converted to driveways. **Quinlan** states that we have Class 6 roads with driveways off them, but it's not a general practice to hand over a road to become a driveway. **Hall** states for the record that is not a Class 6 road. **Bennett** states the Deed should have some information on it. **Hall** states it led to the stump dump behind and doesn’t see why it couldn’t be used as a driveway. **McKinney** states that the applicant would have to be aware that it is still a public accessway and they could not preclude the public from using it. A viewing of the plan shows that note 26 states that it is a public access for residents only. “Easement can be used as a private driveway” **Bird** states, its right there, they had the foresight back then to add it. **McKinney** states the applicant will still need to fill out a driveway permit with the DPW.

7:15pm 15 N. Main Septic

**Schwarz** states that the Building Inspector forwarded copies of a plan to update the septic at 15 N. Main. There are indications of a previously failed septic system onsite and if the Town were to deny the application, it would just be overturned by the State. **Bird** agrees. **Quinlan** states that JoAnn Kitchel (abutter) received a letter regarding the new septic stating that it would be within the well radius. He feels fitting a new septic into the property is going to be problematic. **Bennett** states that it is a State process. If the State is going to allow the permit to go through there’s not much we can do at our level. **Quinlan** states it is a concern because if someone pushes something through to the State without looking at it- **Bird** states when the State passes something, the Town gets 3-4 copies of it and that is our opportunity to speak up. **Hall** states the current process includes an application coming into the Town for approval, but once we sign it and return it to the engineer, the engineer then sends it off to the State for final approval. **Hall** states the well radius being impacted would typically be dealt with by a well release. **McKinney** states that if a clay pipe that has been discharging above ground for many years hasn’t contaminated the well a subsurface system very likely won’t either. **Hall** states that with a failed septic system, the State believes that any improvement is better than nothing. **Bird** states that according to this they should have to apply for a Conditional Use Permit because the leach field is in setbacks. It looks like if they rotated it 90 degrees counterclockwise it could alleviate some of the encroachment. Asks to have the contractor address this in their application. **Quinlan** asks if there is any way to put in the septic without crossing any setbacks. **Hall** states he doubts it, and **Quinlan** agrees it doesn’t look like it. **Hall** states he would like to have the engineer at that hearing for more questions. **Bennett** asks if we define what a “structure” is within our documentation. **McKinney** asks if we can make the online documents searchable, **Schwarz** states she will look into it.

**7:30pm House Bill 1661-FN-Local**

**Bennett** explains the finer points of the bill and how it affects us. Application fees need to be updated and posted or they are waived. **Bird** states that he would like to see where our fees line up with other towns in the county. **Bennett** states that regardless of whether you approve or disapprove applications, the reasons for each must be clearly and specifically documented or they can be overturned upon appeal. **Bennett** states the timing of an approved application has been affected as well. Applications must have a decision made within 65 days of application. If there is no decision or extension at that point, the Select Board MUST sign off on the application as approved.

8:00pm Accessory Dwelling Units - tabled

8:15pm Other Business

**Bird** discusses Riley Circle development and states there has been some discussion on wells and road rights and responsibilities. **McKinney** states they were supposed to have a Homeowners Association and **Bird** agrees, but there were issues raised. He is not aware of the status of the issues at this time. **Bennett** stated there was a community well installed in this subdivision. **Bird** states he will look into it further and we can discuss at a future meeting.

**Bennett** motions to accept the June 14, 2022 minutes as written, second by **Quinlan**, no further discussion, all in favor, motion passed.

Mail and Announcements:

Received a letter from San-Ken regarding the pouring of footings at **Carlton Rd** prior to the permit applications approval. States it was a miscommunication and that no other work will be done prior to the approval. **Bennett** asks about Skillings showing up the next day and get kicked out and **Schwarz** responds yes, the property was Red Carded. **Schwarz** states that at this time the permit for septic and building have both been approved and the red card has been lifted.

**Schwarz** reports an email from a resident regarding Herlihy Rd stating the there are areas of the road that are marked private property and no trespassing. The resident requests information on when the road became private as it is currently marked on all maps as a public way. **Bird** states that it is a Class 6 road and the Town has not voted to permanently discontinued it, so no one has any right to bar access. **Quinlan** states if someone blocked it, that’s not ok. Asks **Schwarz** to speak to the Police Chief to go investigate.

Hall motions to adjourn, seconded by Bennett.

Meeting Adjourned 8:54pm

Respectfully submitted,

Rebecca Schwarz

Admin