

## Mont Vernon Planning Board

**Public Meeting Via Zoom****May 11, 2021****AGENDA**

Times are approximate and subject to change without notice.

7:00 pm Marchocki Public Hearing 3-Lot Subdivision, 93 Old Wilton Rd, Map 1-8

8:00 pm Multiple Dwellings on One Lot / ADUs

Summary Review of current MV Multi Family requirements – J. Bird

Summary of Current Multi Family units in MV – quantity and type, don't need names, (although that is all subject to the sunshine laws) – BOS

Active/Recent Multi-family cases (54/65 Weston Hill)

Discussion – what's working, what's not

8:30 pm Other Business

Mail & Announcements

Review of Minutes 4/27/21

9:00 pm Adjournment

**Present:** Jim Bird, Steve Bennett, Chip Spalding, Tim Berry, Chuck Anderson

**Absent:** Rebecca Schwarz, Charles Baker, Dave Hall, Eric Will, Mike Lewis, Bill McKinney

**7:00 PM – Marchocki Hearing – 3-Lot Subdivision, 93 Old Wilton Road, Map 1-8**

**Bird** opened the public hearing and had everyone recite the Pledge of Allegiance. Spencer Tate of Meridian Land Services presented the Marchocki subdivision plan. Also present were Kathy Marchocki and Attorney Tom Quinn. Tate shared the application with the Board. The Board went over the Subdivision Review Checklist. **Bird** noted that we had requested an easement which the applicant was not in favor of granting. It turns out that this is in fact part of the Subdivision Regulations; Section III-420.4, Right-of-Way. This section was marked N/A on the checklist. It states that *The minimum width of street right-of-way shall be 50' in width and may be required to be more if a greater street width is warranted in the opinion of the Board. Existing street right-of-way may be widened as if they were new streets, with one-half of the additional widening to be required on each side. Intersecting right-of-way lines at street intersections shall be joined by a curve of at least 25' radius.* Tate interprets that as it 'may' be widened if necessary, not that it 'shall' be. **Spalding** stated that Meridian's interpretation is different than the Boards in the past. It is to allow, at a future date, the necessity of doing additional road improvements, whether it be drainage or cut and fill. The intent is not to start taking stone walls down; it is to give the flexibility at potentially a future date to allow the Town to do corrective actions on the road. This is consistent as is shown in the drawings of what was done on Dow Road. The Town has had challenges at the intersection of Old Wilton Road. Tate stated that this is an existing road that's been there for centuries. The easement of 25' from the center line of the pavement would take 7-10' of depth of the lot; roughly 1/3 of an acre of land that would be otherwise useable; it is hayed and farmed. **Spalding** feels that if the

applicant is not agreeable to this, a waiver should be requested. This is a subdivision requirement. Tate stated that there is a lot directly across the street where this was not requested or required. Tate said that if this would be a verbal waiver request, they can formalize that. Tate went through the rest of the application. **Berry** motioned to accept the application for the Marchocki subdivision seconded by **Anderson**. **Spalding** stated that it is his opinion that the application does not address Section III-420.4; if the applicant is requesting a waiver from that, then a waiver should be requested. He does not believe it is accurate to mark it as N/A. **Bird** noted that the acceptance is a vote that we have enough information to start discussing the plan, the abutters have been notified and all the legalities have been satisfied. It does not necessarily mean that the plan is complete; they have submitted all the statutorily required information. The Board voted all in favor to accept the application. Tate next presented the subdivision plan. The existing parcel is identified as Map 1 Lot 8, 93 Old Wilton Road, consisting of 15.84 acres. There is an existing homestead on the parcel with frontage on Old Wilton Road. There is an existing house, well/septic, barn and some out buildings; it's an old home site several hundred years old. The remainder of the lot is undeveloped and vacant. The proposal intends to divide the undeveloped land into 2 new lots, each being 5-acres or greater with a net tract of 4.5-acres or greater. The lot configuration received a Zoning Variance under Case 2-2021 for the lot size/net tract area size. The proposal went before the Conservation Commission and their comments are reflected on the current plan. **Berry** stated that from a practical standpoint, he does not feel we should seek an easement. The land adjacent to the road is considerably higher than the road; all along the southern boundary is a stone wall. We did not ask for an easement from the lot across the street. He does not feel it is appropriate. **Bennett** agreed that the Board did not ask for an easement on the lot across the street; perhaps we should have. Unless there is a specific need to expand the road, he is not sure that it's necessary. **Spalding** noted that there are sight distance issues at the stop sign of Old Wilton Road and Hutchinson Road. This is not saying that if an easement is granted the Town is immediately going to start tearing down stone walls or building retaining walls. It allows the town, at a future date, to work with the BOS to make corrections to deficiencies that are in an existing road. It is his opinion that a 25' from center line ROW should be required on this. Is the applicant asking for a waiver on this? Attorney Quinn stated that this is not a requirement; it's an option. Therefore, a waiver is not necessary. If you do require an existing road to be widened, the increase has to be shared by both sides of the road. It can't all come from their side. Marchocki noted that there was already a taking of land by the Town, sometime between 2006-2009, at the southern portion of the pasture at Old Wilton Road at the stop sign. The town widened that intersection and shaved off about 4' of the southern border of her pasture. They pushed in the stone wall and rebuilt it about 4' in. **Bennett** agrees with Attorney Quinn's observations. They don't have to request a waiver on something that's not a requirement. He also agrees that half of the increase in width has to be obtained from each side; however, he doesn't feel it has to be done simultaneously. **Berry** noted that we entertained a proposal to change the path of that road so as to eliminate that intersection. The Police Chief weighed in on it and stated that people already drive too fast on that road. **Berry** does not see looking into the future that this will ever be a road that needs to be widened or improved any more than it already is. He feels this would be an unnecessary taking of land and is not in favor of pushing the issue. Tate feels that because no road improvements are being proposed, there is no need for an easement over somebody's land because something might happen eventually. This easement would permanently encumber 1/3 of an acre which is not an insignificant amount of land. He feels the applicant would be amenable to some sort of civil agreement; should there be an issue she would be open to a temporary access. **Spalding** motioned to require the applicant grant a 25' easement from center of road going into the property for the DPW at a future date, in accordance with III-420.4 of the Mont Vernon Zoning Regulations. There was no 2<sup>nd</sup> to that motion. **Bennett** motioned to approve the subdivision plan as presented seconded by **Berry**. All in favor. Sally Wilkins noted that there are members of the Land Trust who were specifically looking for the restriction on logging at the back of the new lot where it abuts the Wahlum property. This had been discussed at the ZBA hearing when the variance was granted. Joan read Note 12. (b) on the plan that states 'There shall be no building westward of the wetland area on Lot 1-8-1' and (c) All timber management on the proposed parcels is to be done in accordance with best management practices.

### **8:15 PM – Multiple Dwellings on One Lot/ADU's**

**Bird** has not yet communicated with the ZBA Chairman regarding his comments; the BOS have had some issues with multi-family properties in town. The Board went over the Zoning Regulations, Article 2 – Districts, Non-Residential Zoning and In-Law Apartments/Accessory Dwelling Units. **Bird** noted the multi-family dwellings in

New Boston; he's curious as to how the town has responded to having those. If we are looking for a more detailed multi-family ordinance, it would be worth investigating. **Bennett** summarized RSA 674:71,72 & 73 on Accessory Dwelling Units.

### **9:00 PM – Other Business**

The Board discussed an email received regarding a food truck wanting to operate in town as well as a letter from Sally Wilkins regarding a Class VI road. They are asking permission to access a single-family home from the Class VI road. They need our approval for use of the Class VI road to satisfy frontage requirements. The Board will review and forward comments to the BOS. The Board reviewed the minutes of 4/27/21. **Berry** motioned to accept the minutes as written, seconded by **Bennett**. All in favor.

### **9:15 PM**

As there was no further business before the Board, **Berry** motioned to adjourn seconded by **Bennett**. All in favor.

Respectfully submitted,

Joan Cleary

Administrative Assistant

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