

MONT VERNON PLANNING BOARD

Mont Vernon, NH 03057

MEETING MINUTES –Tuesday, January 26, 2016

AGENDA

7:00PM Public Hearing- Chad Branon for Brett Vaughn
Orchard Hill Subdivision – Purgatory Road

7:30PM Mail and Announcements
Review of minutes from 1/12/2016

8:00PM Population Chapter Master Plan

9:00PM Adjournment

Seated: Chris Aiston, Chairman, John Quinlan, Annette Immorlica, Chip Spalding, Bill McKinney
Absent: Andy Brown, Jim Bird

7:02 PM

Aiston opened the Public Hearing for the proposed Orchard Hill Subdivision application acceptance. Aiston had the board introduce themselves to the members of the public who were present (17 people, not counting the applicant and the engineer), and then asked Branon to give a brief introduction to the application. Branon explained that the proposed open space subdivision is for Map 1, Lot 24 on the north side of Purgatory Road. The lot is 88.79 acres with approximately 2929 linear feet of frontage on Purgatory Road and 1262 linear feet of frontage on Upton Road. The existing conditions are mainly woodlands, with the exception of the existing residence and surrounding orchard area. The terrain generally slopes from north to south; there are 2 jurisdictional wetlands which drain north to south through the developed portion of the site. Zoning for the property is rural residential, and minimum lot sizes for a conventional development would be 2 acres with 200 feet of frontage for district 1 soils or 5 acres with 300 feet of frontage for district 2 soils. Both soil types are found on the property. The development proposal consists of creating a 24 lot open space subdivision; one of the lots is the open space lot and one will house the existing residential structure on the site, thereby creating 22 new lots. All lots will be serviced by on-site septic systems and wells. 8 of the lots will take driveway access from Purgatory Road, utilizing 4 new driveways and 2 existing driveways. 15 of the lots will take access off of Orchard Hill Way, a new cul-de-sac-road. Orchard Hill Way meets Mont Vernon's cul-de-sac length requirements. Electric, phone and cable utilities will be provided by the existing overhead utilities along Purgatory Road and by underground electric along Orchard Hill Way. The project will include the construction of 4 common driveways to reduce impacts on Purgatory Road as well as accessible building areas. Branon pointed out the common driveways on the map. Purgatory road will be upgraded as part of this project, and the plans include vertical and horizontal alignment improvements, width improvements, the installation of 4 cross culverts, and drainage improvements which will include rip rap outlet protection and level spreaders to divert storm water runoff back to sheet flow. There will also be a 30K gallon fire cistern constructed along Purgatory Road as part of the project, just past the intersection of Purgatory Road and Orchard Hill Way. Storm water Management and mitigation will occur through the employment of level spreaders, treatment swales and an infiltration basin located on the south side of parcel 1-21-3. Branon proposed to construct an access road. The majority of the runoff from this development will be conveyed through sheet flow swales and culverts to the mitigation area. The proposed residential lots are from 1.1 – 2.6 acres in size, which yields and open space lot of 48.96 acres. The required open space would only be 27.2 acres. Branon noted the connectivity of the proposed open space with the adjacent Town owned conservation lands. Branon noted they had incorporated feedback from previous preliminary discussions that had been received from the Conservation Commission, as well as the Planning Board and the Mont Vernon Road Agent. Branon stated the development will require state permitting for both a subdivision permit and a wetlands permit. The wetlands permit will be necessary because some Purgatory Road upgrades and some of the driveways cross one of the jurisdictional wetlands. The total wetlands impact is 3270 square feet, a minor impact. Branon stated 3 waivers have been requested, and the pertinent papers have been submitted along with the application. Aiston asked to go through the administrative checklist,

and asked about the abutters. The AA explained that 10 of the 11 notified abutters had sent back their return receipt cards. The AA also explained that one of the abutting lots is co-owned by persons residing at separate addresses, but only one address is officially on file. The second co-owner, Joanne Dumas, has requested to be notified officially, and to be included in future correspondence regarding the application. The AA stated she sent out a hearing notice the prior Wednesday when she spoke with Dumas. As of the day of the hearing, Dumas had not received the notice because she was not home the first time the USPS attempted to deliver the certified registered mail. Dumas also pointed out that on the maps, the lot she co-owns is shown as 3-27 rather than 3-47 which is correct. The AA gave Dumas' address to Branon. Immorlica pointed out that the board cannot accept the application until all the abutters have been officially notified. Vaughn asked if Dumas was a trustee. The other co-owner, Charles Farley, was present at the hearing and he confirmed that Dumas was a trustee as well. Aiston continued going through the administrative checklist, and determined that with the exception of the notification for Dumas, all other required materials had been submitted. Aiston stated the hearing will be continued to the next meeting, and explained that accepting the application is not the same as approving it. Branon stated that he and Vaughn would be willing to hear from members of the public who were present at the meeting. Aiston agreed, and asked Branon to present the waivers. Branon stated that the first waiver asks for permission for four new proposed curb cuts, which is one more than the 3 curb cuts currently allowed in an open space subdivision. Branon pointed out that the linear feet of frontage on the parcel would allow for nine curb cuts if this had been proposed as a traditional subdivision. Branon stated they felt this was the best way to consolidate the development and provide the most amount of open space. Immorlica asked Branon to point out the curb cuts on the map, which he did. Branon stated the Orchard Hill Way road does not count as a curb cut. Aiston asked if there was any paving proposed. Branon confirmed that Vaughn plans to pave both Purgatory road to just beyond the intersection of Orchard Hill Way, and all of Orchard Hill Way. McKinney asked how the proposed curb cuts and driveways will line up with the driveways across the street. Branon pointed out that while there are suggested driveway locations for the lots across the street, whoever ends up purchasing those lots will have some leeway in deciding where to locate the driveway. That being said, some of the driveways on the south could end up across from the new proposed curb cuts as well as Orchard Hill Way. Joanne Draghetti, from the Conservation Committee, stood to ask a question regarding driveways crossing wet areas. Branon stated none of the curb cuts on Purgatory affect the wetland areas. Branon noted the wetland areas impacted are due to installation of cross culverts on Purgatory road, and one shared driveway has an old farm crossing over a wetland area, which will affect 500 square feet of wetlands to install a culvert. Branon presented the next waiver, which pertains to the High Intensity Soils mapping. Branon stated they have demonstrated the lots can support the proposed development through test pits on every lot, additional pits to determine district 1 and 2 soil boundaries, and pits in the drainage areas. The data submitted is sufficient to obtain state subdivision approval, and the applicant will be required to complete a site-specific soil map as part of the alteration of terrain permit. Soils mapping will still be done as part of the state permitting, and this mapping is more current than High Intensity Soil Mapping (HISS). The applicant is asking to waive the HISS mapping requirement, since so much other soils mapping will be completed. Branon discussed the 3rd waiver, which pertains to gravel shoulder width. The applicant is asking to waive the 4 foot shoulder width requirement and be allowed to use a 2 foot shoulder width on the new Orchard Hill Way road. Immorlica asked how wide they intend to make Purgatory Road. Branon stated this waiver only pertains to Orchard Hill Way. Immorlica stated she was still curious about the width of Purgatory Road. Branon stated Purgatory Road is going to be 22 feet wide, whereas right now it is 15 to 16 feet wide. Immorlica asked how wide the cul-de-sac road will be. Branon stated Orchard Hill way will be 20 feet wide with 2 foot shoulders, if the waiver is granted. McKinney asked if there was a specific request for the waiver, ie, saving stone walls from being impacted. Branon stated the 2 foot shoulders will save land impact, and that stormwater management areas could be made more efficient. Branon stated in his personal opinion it is more aesthetically pleasing. Immorlica asked if Orchard Hill way was being proposed as a private road or a town road, and Branon stated it will be a town road. Immorlica suggested getting input from the Road Agent. Aiston asked if the Road Agent had given any input yet, Branon stated no. Spalding stated the board would now send out copies of the proposed plan to get feedback from the Road agent as well as Police, Fire and Conservation Commission. McKinney asked if the waiver pertains only to Orchard Hill Way and Branon confirmed yes. Spalding explained that the hearing would be continued, and that pending the one missing abutter's notification the application would likely be accepted. At that point, the board would begin the review process on the plan. Aiston asked if any members of the public had comments or questions. Ray Anderson, 78 Purgatory Road, asked how far up the applicant plans to widen the road. Vaughn stated the road would be paved

to Orchard Hill way and then improved to the last driveway cut. Anderson stated that the water runoff causes the road to wash out quite often. Branon stated making the drainage improvements with more cross culverts will help convey drainage from the north to south sides and help prevent erosion from washout along Purgatory Road. Paul Alfano, the attorney for the Purgatory Falls Fish & Game club asked if the board would only be voting on acceptance of the application at the next meeting or if the board would also continue with any of the other phases of review. Spalding stated that even though the applicant has already submitted a more detailed plan than what is normally seen at this early phase, the board would still be required to go through all of the phases for the subdivision review. Alfano asked if it would be possible that the Plan would be approved at the next meeting. Quinlan stated that could not happen. Alfano then asked if copies of the state permits are required to be submitted prior to approval of the application by the planning board. Spalding stated that typically permits are required ahead of time. Alfano then asked what would happen to the open space land- ie- would it be deeded to the town, or what else might happen to it? Spalding stated that sometimes the applicant chooses to keep the open space as part ownership of each of the parcels that are part of the subdivision, or another option is that the open space land gets deeded to the town. Alfano stated that the club thinks the open space subdivision is a great idea, because the club is concerned about both safety and noise. Alfano asked the board to consider adding a note to the plan to make sure that the people who buy lots are aware of the existence of the shooting range, and that they can't object about the noise, per state RSA. The statement reads, "Purgatory Falls Fish and Game Club owns lot 4-3. Lot 4-3 is a shooting range as defined by State RSA 159 b:5. This statute restricts the ability of persons to maintain a nuisance action for noise and noise pollution against the shooting range. Owners of lots in the subdivision shall take title with reference to the plan" Alfano gave a copy of the suggested wording to the AA. Draghetti spoke again, asking if there were culvert easements proposed. Branon explained that on the North side of Purgatory road, they have proposed a right of way dedication, holding the south side stone wall, offsetting it 50 feet. All the inlet conditions are within the 50 foot line, so no easements are necessary. The AA stated that a letter had been submitted by an abutter who was not able to attend that evening. Aiston reviewed the letter and stated that the AA could read the letter at the next meeting. McKinney asked about access to the treatment area on the south side, if it would be by way of easement to the town. Branon confirmed that yes, there was an easement to the town proposed. Aiston proposed continuing the public hearing to February 9th;. The applicant agreed to Aiston's proposal. Immorlica suggested after the meeting on the 9th that the board go back to the schedule of alternating between having a public hearing meeting and a board work session meeting. Branon asked the AA to send him a copy of the abutter's letter that had been submitted.

8:03PM

Spalding suggested contacting NRPC concerning the maps that Pattison planned to bring to the next meeting on Feb. 9, to ask if they could be prepared earlier, that way the maps could be displayed at the school during the Feb. 9 voting at MVVS. Immorlica questioned if the board needed permission to put up a display during voting and Town Meeting. Quinlan stated they should contact David Sturm, the moderator. Immorlica expressed concern that Sturm may not grant permission since it's not part of the usual town business. Quinlan stated Sturm defers to the Selectmen as to what's included, since it's officially the Selectmen's meeting. The board discussed how to best present and get feedback from town residents. Quinlan stated it makes sense to have the presentation prior to Town Meeting before things really get going.

The AA suggested having the presentation, and asking residents to place their red and green stickers before leaving the MPR at the end of Town Meeting. McKinney suggested having some board members available at the end of town meeting near the maps in case anyone has questions. Aiston pointed out having people present prior to Town Meeting may be worthwhile as well. Quinlan stated he will speak with Laurie Brown and ask her to contact the Moderator about the Presentation. Quinlan stated the presentation could go before the benediction, so it's done before the official town meeting. Immorlica asked if the AA had taken photographs, and she confirmed she'd gone to Hancock, Greenfield, and New Boston and of course here in Mont Vernon and taken pictures. The AA showed her photographs to the board. The AA stated she still needed to connect with Sandy Kent to get access to the old photos in the Town Museum. Immorlica stated she was surprised there were not more members of the public who spoke during the hearing. Quinlan stated many were gun club members who didn't need to speak since the Attorney was present to speak on their behalf. Spalding wondered about the validity of placing the suggested note on the plan. Immorlica pointed out that's the sort of discussion that would be nice to be able to have in a worksession, rather than having all discussions during a hearing. The board briefly discussed the paving of Purgatory Road. Quinlan stated he felt that the board could push to see the road paved to the last

proposed curb cut, not just to Orchard Hill way. Spalding agreed. Quinlan suggested that the AA require Mike Ypya the Road agent to attend all the Planning Board meetings until the road issues are resolved. The AA stated she would talk with Ypya the following morning about attending the meetings and give him a copy of the Plan. Immorlica expressed concern over the waiver for the 2 foot shoulders on Orchard Hill Way. McKinney asked if the board had seen the storm flow data. The AA pointed out there are 2 copies of the Stormwater management plan in the application folder. Quinlan stated that the applicant will need to reconsider the road name if they want it to be town road, because the use of "Way" indicates a private road. Quinlan stated it should be a Street or Road, for a public road. McKinney stated he didn't believe there was anything that would prevent putting a note on the plan about the gun range being an abutter. Immorlica asked if that transfers to the deeds. McKinney wondered if it could be required to be included in the deed, as more people see the deed than the plan. Quinlan stated that it will be interesting to see how the open space land is handled, as that could make a difference in how the note concerning the gun club abutter could be handled. Quinlan mentioned that when the subdivision was first proposed in 2014, there had been discussions with the gun club about selling a small L shape of land to the gun club to help with creating a larger berm to mitigate sound. Spalding stated it might be worth asking the applicant if they'd had any discussions with the gun club. Immorlica brought up the Planning Board meeting schedule again to ask how the board felt concerning alternating public hearings and workshop sessions. Spalding agreed that alternating the meetings is a good idea to give opportunities for the board to get thoughts organized. Aiston asked for clarification. Immorlica stated that during a public hearing, the chair is required to ask if the applicant or members of the public would like to speak; during a work session, people attending can't speak unless the chair decides to give them permission. The AA pointed out that Camille Pattison from the NRPC is scheduled to come to the next meeting. Immorlica stated she felt that the board has an obligation to move forward with the review process during the next meeting, assuming that the application is accepted. Spalding stated we would likely have feedback from the different town departments by the next meeting. Immorlica suggested following up with the departments to ensure that we receive feedback from them in a timely manner.

8:33PM

The AA reviewed mail and announcements. The AA stated she'd spoken with David Murphy, and needed clarification whether he was required to go before the Planning Board prior to seeing the ZBA. The AA stated Murphy is not ready to pursue a special exception for a restaurant, and only wants to gain a special exception to have a home business. The board discussed his situation and determined he can go directly to the ZBA because he is appealing the restrictions of the zoning ordinance. McKinney pointed to I 406.4.3 in the zoning regulations. The AA stated she would follow up with Murphy. Immorlica asked about having an article in the newspaper following the Feb. 9 election day display. Quinlan pointed out the Amherst Citizen only comes out once a month now. Immorlica suggested posting on Facebook as an alternative to a newspaper article. McKinney stated it would definitely be worth mentioning on Mont Vernon Chatter. Spalding suggested putting information on the Town Website. McKinney stated both could be done. The AA stated the board could use the Mont Vernon Planning Board facebook page and then be shared to Chatter, that way the information comes from the Planning board. Immorlica suggested making an announcement prior to Election Day to advertise the display, and then a follow up afterwards with more information about the presentation at Town Meeting. Immorlica then asked about the Vision Statement, and wondered why the Vision Statement online is not on the Town Website. Immorlica stated she would send the AA the Vision Statement. The AA stated Laurie Brown is the one who would upload the Vision Statement to the website so she would send it on to her. Spalding asked if there was an easy way to check minutes to see when the Vision Statement was approved by the board. The AA stated she'd need to flip through the book of past minutes to find the date. Spalding asked for that date to be added to the file when it's uploaded. McKinney suggested a name of Limited Residential Business Zone for a possible title. The AA stated she felt business and residential should be switched, as it sounds like residential is being limited rather than business.

8:51 PM

Quinlan left the meeting. Immorlica asked about reviewing the Population Chapter between now and the next meeting and going over it then. Immorlica stated she appreciated the feedback that Spalding had already provided. Immorlica motioned to accept the minutes from 1/12/2016 as written. Aiston seconded. All were in favor, the motion passed. Immorlica stated she was hoping to have the Population Chapter finished prior to town meeting so that the justification for mixed use could be seen in the newly approved chapter. Spalding stated he

didn't feel like it was appropriate for it to go in the Population Chapter. Spalding also stated that the presentation at Town Meeting is simply to get feedback from the town to see the interest, so he didn't feel the justification was needed to be seen in the Master Plan right now. Immorlica also mentioned she was not interested in taking on reviewing the Land Use Chapter of the Master Plan. Immorlica stated she felt that mixed use could go in the Population Chapter in the interim until the Land Use chapter is updated. Spalding stated there is time to work on getting mixed use in the Master Plan prior to a warrant article for new zoning, and that getting feedback is a good first step.

9:03 PM

Immorlica motioned to adjourn the meeting. Aiston seconded. All were in favor, the motion passed.

Respectfully submitted,
Amy Wyman
Planning Board Administrative Assistant