

## MONT VERNON PLANNING BOARD

Mont Vernon, NH 03057

MEETING MINUTES –Tuesday, February 9, 2016

## AGENDA

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

7:30PM Camille Pattison, NRPC  
Mixed Use Zoning

8:00PM Mail and Announcements  
Review of minutes from 1/26/2016

9:00PM Adjournment

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

7:02 PM

Aiston called the meeting to order. Aiston stated that at the request of Brett Vaughn (who was not able to be present at the hearing), the public hearing concerning the proposed Orchard Hill Subdivision will be continued to the March 8th meeting. Aiston stated the board would be willing to hear comments from any members of the public who were currently in attendance. Spalding noted the board had received a formal letter from Chad Branon requesting the board consider accepting the application if it was complete even with Vaughn and Branon being absent. Quinlan asked when the board knew that Vaughn would not be attending. The AA stated she'd spoke with Branon around 4:30 in the afternoon. Immorlica asked if the one missing abutter's notification card had been received and the AA confirmed that it had been received. Quinlan wondered if the applicant's non-attendance precluded the board taking action; Immorlica pointed out the applicant had sent a letter asking the board to consider action. Spalding mentioned that if the application is accepted, then the clock starts ticking, but since the applicant isn't present there isn't any further work they could do that evening on the application. Spalding stated the board can field questions that evening but that no further action can be taken without the applicant and the applicant's representative. Immorlica stated that this situation has never come up before. Quinlan stated that he felt no action should be taken this evening without the applicant present. Immorlica asked when the applicant wished to continue the hearing to; the AA stated she'd offered the next meeting on Feb. 23rd. The AA stated that Branon was not available on the 23rd and requested the hearing be continued to March 8th. Aiston stated the hearing would be continued to March 8th, and offered the floor to the public that were present. Alfano, the attorney for the gun club, asked if the board would begin the process of reviewing the application on March 8th, or would they only accept the application that evening. Aiston stated the board will begin the next steps for reviewing the application after it is accepted. Alfano asked if it were possible that a final approval would be reached on the 8th. Aiston stated it would not be likely. Spalding stated that the review process would be happening over the next few meetings; the plan would need to go out for a formal review by an engineer. A review would also need to be done by the Fire Department, Public Works, Conservation and Police Departments. Alfano also asked how many days the board has to make a decision once the application is accepted. Aiston noted the answer is 65 days. Joanne Dumas, Purgatory Road, asked how many curb cuts are proposed, if the Road agent has seen the plan, and how far the road will be paved. Aiston stated the board can't really get into a technical discussion, since the applicant isn't present. Aiston stated the road is an issue that the board will be going into further with the applicant. Dumas asked if the road agent has gone out and given his feedback. The AA stated the road agent hasn't submitted any feedback in writing, but that he plans to attend the meeting on the 8th to share his thoughts in person. Quinlan stated since the road is already a public road that the town will make the final decision as far as the road is concerned, and that the town has the right to insist upon improvements that the town sees as necessary. Dumas asked if the applicant would be required to pave up to the last curb cut. Spalding stated that the board can speak to what's been submitted, which as it's proposed, does not plan to pave to the last curb cut on the North side. Spalding noted this is not final. Dumas asked about the number of lots.

Quinlan stated the board would not get into details because the application has not been accepted yet. Dumas also asked about the open space area, if it would be deeded to the town or shared among the lots in the subdivision. Quinlan stated that's a discussion that still needs to happen between the town and the developer, and it would be determined at a later date. Aiston stated Dumas could come on March 8th and ask the developer directly. Immorlica proposed scheduling a site walk, which are open to the public. Quinlan stated a site walk date would be posted, just like any other hearing. Alfano spoke again and stated he'd been discussing with Vaughn the idea of conveying a small portion of the open space land surrounding the gun club to the club, as a way to allow the club to make improvements (ie- building up the berm) for noise reduction and safety purposes. Spalding asked if the land would be an easement or if it would be transferred. Alfano stated the preference is for it to be sold and titled to the gun club. Spalding stated that would be cleaner, and preferable. Quinlan stated there is a large amount of open space and that this portion of land should not affect Vaughn meeting the open space requirement. Immorlica pointed out that there are cottontail rabbits known to be in the area behind the gun club, and that an environmental study might be worthwhile. Joanne Draghetti, a member of the Conservation Commission had a few comments. She stated the Conservation Commission is meeting on Feb. 10 to discuss the proposed plan, and that they would have feedback for the March 8th meeting. Draghetti also asked how much acreage out of the open space would possibly be sold to the gun club, and if the land would affect the acreage requirements. Spalding asked Alfano if there was an approximate size to the portion of land being discussed. Alfano stated it would be 3 acres or less, roughly a 300 foot buffer to the west and south of the gun club lot. Draghetti commented as a private citizen and someone who lives in the area that she was concerned about the possible gateway to crime a large subdivision such as this could have. She pointed out that Dow Road has been an ongoing problem from a crime perspective. Draghetti stated when a large open road is paved into an area surrounded by woods, that it could attract more crime. Dow Road has had problems with drinking, drugs, burglaries and vandalism. Draghetti pointed out that paving Purgatory road could actually open the area up to more problems, especially if the houses are not all built out for many years. Alfano commented about the open space; he stated from the gun club's perspective, they would prefer to see the open space deeded to the town, and have one abutter versus several. Randy Wilson, representing the Fire Department, stated the Fire Department had reviewed the Plans and submitted feedback and further questions by email. The AA confirmed she'd received their response. Spalding stated the board would take a quick look at the feedback and since Wilson was present they could ask him questions if any arose. McKinney stated it is okay for the Fire Department to make suggestions as they see fit. Spalding stated he felt at a minimum that the road should be paved to the cistern, because you will have a tanker truck going up to the cistern. Wilson stated that based on the plans it would only be another 180 feet. McKinney agreed with the FD feedback that the road would not be a "Way" if it is proposed as a public road, as "Way" is a designation for a private road. Immorlica stated she had not seen the FD feedback yet and requested to read the comments. McKinney asked for further explanation on the FD feedback which mentions 80 degrees. Wilson stated that on the plan, a couple of the driveways are cut back well beyond 90 degrees, which means the Fire Department would not have a turning radius to get in. Wilson also stated the Fire Department prefers not to see common driveways, but if there's no way to get around it, they would need to be numbered both at the end and at the split. Wilson also mentioned the FD would rather see the cistern be consistent with other cisterns built in town, rather than the current build proposal, which requires 4 separate basins to be dropped in, interconnected with 4 separate manholes to access each basin. Wilson stated everything else in town is one single 30 thousand gallon tank with one point of access. McKinney asked what the NFPA specs are concerning a cistern. Wilson didn't know offhand but said the Fire Department would look them up and give that to the board before the next meeting. Immorlica asked about common driveways. Wilson stated the FD would like to see common driveways be 20 feet, if they have to be used at all, as opposed to the 14 or 15 proposed. Wilson stated the Fire Department would rather not see common driveways at all. Quinlan asked about sprinklers. McKinney pointed out sprinklers cannot be required under state law; if a town had a sprinkler ordinance in effect when the new law went into effect 3 or 4 years ago, the ordinance can be maintained, otherwise, requiring sprinklers is not allowed. McKinney stated a developer has to provide some form of fire protection, and that it is the developer's choice as to what is provided. Wilson asked if there had been any discussion on cutting Orchard Hill way to Upton Road. The board stated no. Spalding stated it might be worthwhile to leave an easement or connection into the open space at the end of the cul de sac., both for fire access and access to the open space. Spalding stated this was done at Carriage Circle. Draghetti pointed out Cheever, part of Dow Road subdivision has a 20 foot strip of land for that same purpose. Draghetti pointed out there is access to the open space both along Upton and Purgatory Road. The board briefly discussed the curb

cuts, existing vs. proposed. Wilson confirmed a member of the Fire Department would be present at the March 8th hearing, and left the meeting. The AA stated she'd also received feedback by email from the Police Chief. Aiston read the Chief's comments. "I have reviewed the proposed development relative to the Orchard Hill Subdivision plan. I do not see the size of this development having a large impact on our resources. I would have concern over several of the lots backing up towards the Purgatory Falls Fish and Game Club but I am sure that has been discussed by the board. I would defer to DPW relative to the condition and needs of the actual roadway. An ordinance for a stop sign to be placed on Orchard Hill Way at Purgatory Road would need to be adopted (to address people coming off of Orchard Hill Way). Thank you for requesting my input and let me know if I can offer any additional assistance" Spalding reviewed the plans with Draghetti to discuss the land the gun club might potentially buy from Vaughn. Spalding stated he hopes they go through with the sale. Draghetti stated she was concerned before they were talking specifics on how much land. The board looked at the numbers; the current proposed open space is 48.96 acres, so even with the subtraction of approximately 3 acres, Vaughn would still be over the required open space amount. Draghetti agreed making the open space safer is a good idea; she also mentioned the Conservation Commission would like to see the open space land deeded to the town. Spalding stated the important thing is making sure there is public access. Quinlan stated he feels it makes more sense for the open space to be deeded to the town. Quinlan pointed out that Upton Road might someday in the distant future go back to a class 5 road, in which case it would be better for the town to own the open space land. Spalding mentioned creating 25 foot road easements along Upton Road. Immorlica asked about the Fire Department's suggestion of a "paper road". Draghetti pointed out there is a lot of access to the open space, and that bisecting the open space defeats the purpose. Quinlan stated he didn't think the road would be a good idea. Spalding asked about the board selecting an engineering company to discuss the design, and suggested getting quotes from the companies. Spalding mentioned Keach Nordstrom, Monadnock Surveying, and LaBombard Engineering. McKinney stated he thought LaBombard did structural engineering. Draghetti questioned the wisdom of going with the engineers recommended by the applicant. Immorlica mentioned using Stantec as one of the three to get quotes from. Spalding also suggested Meridian. Spalding stated the board can be proactive and don't need to wait until the application is accepted to get quotes. Spalding recommended the board go with Keach Nordstrom, Monadnock and Meridian to get quotes for an engineering design review and drainage calculations. Immorlica asked if it's actually the board's responsibility to get the review done. The AA confirmed it is the board's responsibility. The board asked the AA to make the calls to get quotes. Spalding suggested providing the companies with the 400:1 map on the front of the plan. Spalding mentioned telling the companies that there are 2000 linear feet of existing road upgrades along Purgatory Road and 1300 linear feet of proposed road; Spalding stated they typically work their engineer's estimate off of linear feet of roads. Aiston asked what the engineering companies would do concerning the drainage calculations; Spalding stated the company would review the submitted calculations and make sure the information is correct. Aiston asked how long it might take to get the estimates. The board suggested asking to have them back prior to the next meeting. Quinlan suggested asking to have them back by the 18th.

8:20PM

Camille Pattison was unavailable to attend at the last minute. Spalding suggested the board review the comments that he and Immorlica had received throughout the day while they were stationed with the proposed mixed use maps at Primary Voting. Spalding stated that with the exception of two people, everyone he spoke with was in favor of mixed use. Immorlica stated she didn't get any no's. Immorlica stated there was a question regarding tax assessment for someone living in the area. Spalding stated a property would be assessed based on its current use. Immorlica stated some people seemed to be confused by the mention of limited commercial on the maps, and that people stated they didn't want to see gas stations along Main St. Spalding suggested having another poster board with possible mixed use businesses as a way to get feedback on what businesses people like and don't like, and use that as a way to shape what would be allowed in the district. Immorlica also mentioned some people suggesting having more limits right in the center of town with more allowable uses further out on the Route 13 corridor; the board agreed that would make sense. Spalding stated there were 2 people who felt that the entire town should be mixed use, but that for the most part the consensus was to have a measured approach, starting small then building out. Spalding stated the proposed area receiving the most positive feedback was the historic district. Quinlan again mentioned the importance of getting photos from the Historical society that show businesses all along Main Street years ago. McKinney stated that every car that passes through town has dollars that the town could benefit from. People are either traveling to Milford (or points beyond) or New Boston to

spend money; why are we not stopping them along the way. Spalding pointed out there are people already doing businesses “in the shadows”, why not legitimize what’s being done. Immorlica stated there were a couple people who commented that they were in favor of mixed use because they were thinking about starting a business. McKinney stated there is a perfect opportunity in Mont Vernon to keep a rural flavor while still allowing businesses in. Aiston asked about the preferences for the different suggested areas. Spalding stated the Historic District was the most liked area. Quinlan pointed out that this would give the Historic District Commission a purpose, and might make it easier to get volunteers to serve on that board. Immorlica stated people felt like it was a good idea for it to start small because it would have a better chance of getting passed. Spalding wondered how a bed and breakfast would do in Mont Vernon. McKinney stated there might only be a few times of year that a B&B would be busy, because there isn’t a consistent draw of something to do in the area. Immorlica asked if anyone else on the board had looked at what Camille Pattison had sent by email, and suggested the board review the information prior to the next meeting. Immorlica specifically mentioned the information she sent concerning a possible overlay district, wondering if the board had or hadn’t ruled out an overlay. Both Immorlica and McKinney stated they were not fond of an overlay district. Quinlan asked about home businesses/small businesses as they pertain to agriculture, and if there would be a way to add limitations or incentives that involve agriculture? Or is it mostly regulated just by the state? McKinney stated the board would have to be careful concerning how much the board could regulate. The board discussed the difference concerning agricultural use vs. commercial use, and where the line gets drawn. Quinlan stated that in reality, all agricultural is commercial. Quinlan stated someone had asked about zoning regulations pertaining to solar panels, specifically they wanted to know if you put solar panels on your home, how will that affect the value of your property. McKinney stated that it comes back to the tax assessor; unless a town has an ordinance that exempts solar panels, the assessor will add a value to them. Quinlan asked about a situation where a homeowner leases solar panels that are owned by a solar company and are installed on their home. McKinney stated it is still a value added onto the property. McKinney stated that in Nashua the difference could be anywhere from \$700 per year, up to \$5000 per year depending on how many panels were installed. McKinney stated the reduction that homeowners get from the net metering often ends up being a wash because of the tax increase.

8:50 PM

The board reviewed the minutes. Immorlica had a few comments; wondering about whether the Purgatory road property is in the Purgatory Watershed District, and scheduling a site walk to see where the driveways and curb cuts are located. Immorlica had some small edits to the minutes, including making sure the minutes reflect that the applicant agreed to extend the hearing until Feb. 9. Immorlica motioned to approve the minutes as amended. Spalding seconded. All were in favor, the motion passed. Spalding asked about getting the maps uploaded to the Town Website. Aiston stated he felt the maps are only valuable if there’s someone there to explain them. Immorlica asked about Andy Brown and if he was still a member of the Planning Board since he has not attended most of the recent meetings. Immorlica also wondered about having the Selectmen appoint more people to the board, or at least alternates. Immorlica passed along the name of a resident who stated he may be interested in joining the board. Aiston stated that he is resigning as Planning Board chair as of the end of April. Quinlan asked if Aiston was willing to be listed as an alternate and he agreed. Spalding stated he also had the name of a person who may be interested in joining the Planning Board. The AA stated that John Tenhave is on the agenda for the meeting on 2/23, to do a voluntary lot merger. She also mentioned an email from Rolf Biggers about the garage at The Mont Vernon, asking about the board’s decision to allow or not allow his building of a garage. Immorlica suggested sending a note to Rolf and the building inspector, citing the minutes from November, and saying they approved.

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

