

MONT VERNON PLANNING BOARD  
Mont Vernon, NH 03057  
MEETING MINUTES –Tuesday, April 26, 2016

AGENDA

7:00PM Camille Pattison, NRPC  
Mixed Use Zoning

8:00PM Mail and Announcements  
Review of Minutes from 4/12/2016

9:00PM Adjournment

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

7:02 PM

Spalding called the meeting to order. Camille Pattison from NRPC was present to discuss progress on Mixed Use zoning. David Murphy, of Main Street, was present as well. Quinlan stated Murphy had explained that the Zoning hearing the previous week had been unorganized. The AA explained the confusion had happened in part because there had been another applicant originally scheduled to appear on April 19, but the second applicant needed to postpone. Quinlan stated they could discuss the issue further later in the meeting. After making introductions, Spalding explained the surveys the board had done at town meeting. Pattison explained she had taken the 26 surveys the board had received and displayed the data in some tables and charts. Pattison talked through the tables and charts with the board. Pattison stated the most interest seemed to be in the Historic and Residential areas. Pattison stated the survey results were not scientific, but that it still paints a picture. Pattison listed the top 10, top 20, and top 30 desired uses. Immorlica asked about accessory dwellings. Pattison stated that the state had changed the law regarding accessory dwellings/in-law apartments, and said she would email a packet of information to the board. Pattison suggested the board put updating the zoning regulations regarding accessory dwellings/in-law apartments on their to-do list, as it needs to be changed in the coming year. Immorlica asked if the figures indicated that the residential and historic areas should be combined. Pattison stated she would go into that further later, but said that a simple way to approach the changes would be to leave limited commercial as is and take advantage of the opportunity to get rid of split zoning. Pattison suggested using the historic district overlay as the border for the new zone, get rid of the residential district, and any lots that fall outside of that area would be rural residential. Pattison continued reviewing the charts and data, stating the donut charts gave both the percentage of responses as well as the number of responses. Pattison mentioned that the uses with similar approval numbers in both residential and historic were: bed and breakfast, artisan, antique/consignment shops, retail (small shops/boutiques), bakeries and artist live/work/gallery space. Other uses that were popular in the historic district were professional services, bookstores, restaurants and museums. Top uses in the residential district were: accessory dwelling units, duplex/multifamily, farm stands, and parks. Pattison noted this discrepancy. Pattison suggested the board start taking a stab at establishing the new boundaries for this new district. Spalding agreed with the idea of getting rid of the residential district as part of creating this new zoning district. The board did not yet agree on the name for the new district. McKinney suggested staying away from anything that mentioned “village” to not cause confusing with an actual Village District. Spalding stated the boundary of the new mixed use district could have the same boundary as the historic district overlay. Immorlica noted the map of the Historic district overlay is in the zoning regulations. Pattison stated the NRPC would create a new map. Spalding stated the board hopes to follow boundary lines instead of having split zoning. Pattison agreed that would be less messy. Immorlica stated calling the zone the Mixed Use zone would be very clear that mixed uses are allowed. Quinlan stated that some people might not think Mixed Use is clear, and wouldn't know what that means and allows. Immorlica asked if the state has a Mixed Use definition. Pattison stated she would check into that. Pattison also stated that if the board wanted to expand in the future, it might be better to have a more generic name because Town Center wouldn't necessarily apply on the Francestown Turnpike or other areas. The AA mentioned McKinney had suggested a name at a previous meeting that was something like Business Residential. Spalding stated the board could have more discussion on

the name as work progresses. Pattison offered to send the AA a PDF of the survey results so they could be posted on the town website. Pattison passed out markers to the board members and maps of the town, and asked board members to offer suggestions of the border for the new district. McKinney stated there might be some lots the board would want to see in the Historic District, but not necessarily in the mixed use district. The board spent some time drawing possible options for boundaries. Immorlica mentioned it was difficult to draw the boundaries because she wouldn't necessarily want to see businesses in all the areas that should be part of the Historic District. Pattison stated that perhaps there are some lots that are unavoidable as split zoning. Spalding stated it there would be some benefit to have both the Historic District and the new mixed use zone having the same boundaries, but understands that as they look at the areas at and near the center of town it may not be possible. McKinney offered a map suggestion that has a more generous Historic District, and a very specific tight mixed use district. Spalding drew his district as the same boundaries for both Historic and mixed use. Spalding stated the Historic District is bigger in his version. Quinlan's map drawings were similar, except that he included the Pomeroy's farm and the Carleton's farm in the historic district. Quinlan also included lots at the end of Beech Hill Road in the Historic District, both for historic reasons and for potential future use for the town. Quinlan agreed on a tighter mixed use district. Murphy had also drawn potential boundaries, and also included the Pomeroy farm in the Historic District. Spalding asked what the risk would be of having mixed use in the entire Historic District area, for instance, the Carleton farm. McKinney stated his concern is bringing the new zone before the town with a very large mixed use district, and having it shot down. Quinlan stated having a smaller mixed use zone would help keep it focused. Pattison stated that was a valid point. Quinlan stated having a limited sized mixed use zone will make enforcement easier. Pattison asked if someone has a house in the historic district and they wanted to build an addition, who they would go to for oversight. Quinlan stated they would in theory go to the Historic Commission, but that there haven't been many projects done in the Historic District recently that would have needed input. Immorlica stated perhaps the board doesn't need to change the residential and rural residential districts, just add the mixed use in the center of town. McKinney stated he would like to get rid of the residential district because he doesn't see a need for it, and that it might be too cluttered to add another small zone. Pattison stated that enlarging the Historic District and creating the mixed use district are two separate issues. Quinlan stated he thinks the two issues dovetail nicely; loosening up regulations in one respect while covering a larger area under general protections. Spalding stated he was afraid one could sink the other. The AA commented that they would need to be written as separate warrant articles. Pattison suggested having the two would need an extra layer of education and outreach. Murphy suggested a staggered approach. McKinney stated he felt like both could be sold at the same time, especially if the expansion of the Historic District included the Pomeroy and Carleton Farm. Immorlica asked if including the Carleton property in the Historic District would be the only way to help save the property. Quinlan stated including it would not necessarily preclude it from subdivision, but it might make it less attractive to a developer. Spalding mentioned the Pomeroy's homestead could be in the Historic District, but that the farm could stay out. Immorlica suggested asking the Pomeroy's for their thoughts on inclusion in the Historic District. The board went back to discussing the mixed use boundaries. Spalding stated he really wanted to follow lot lines. Regarding keeping or taking out the residential district, Pattison stated the board should see what they come up with for the boundary for mixed use, and then if only a few lots would be left out, they should be included in the mixed use and get rid of residential. Immorlica agreed with getting rid of the residential district and making everything that doesn't fall within the new mixed use district into rural residential. Spalding stated the big concern is making sure the houses are maintained. Blood Road was specifically mentioned. Spalding stated he felt that would be a perfect place for mixed use. McKinney and Spalding discussed the lots on Blood Road, their size and soil condition. Spalding also mentioned the houses on Grand Hill as a possible location for a B&B, and argued for their inclusion in the mixed use district. The board continued to review possible boundaries for the mixed use zone. Spalding stated his version would include Blood Road as well as Grand Hill. Murphy asked what the process was for submitting the new zone. Pattison explained the process of writing the new regulations, hearings, edits, follow up hearings; everything that needs to happen prior to Town Meeting in March. Pattison took a new map and began marking mixed use zone borders compiled from the input of all the board members. Immorlica brought up split zoning again, as a possibility for some of the larger lots. Quinlan stated he felt it would be fine to include the entire lots. Pattison stated the board should consider including size maximums in the mixed use zoning regulations. Spalding mentioned many of the lots in the center of town are already working against the small size of the lots and the side setbacks. Pattison also suggested limiting the number of buildings on the lot, or stating there can't be a house with a separate restaurant building. Pattison stated it would be worth doing research in that area.

Immorlica asked for an example of a 10,000 square foot building. McKinney stated Chili's. McKinney stated a Starbucks is around 3000 square feet. McKinney noted the board was discussing footprint, not including other stories. Pattison stated including some wording on square feet would be important. Immorlica asked Pattison what other towns call their mixed use districts. Pattison said Deerfield calls it the Business Overlay District, Pelham called theirs the Mixed Use Zoning Overlay District. Pattison stated she would look up what other towns used for names. Pattison stated that going forward, the board would need to look at definitions for what a small business is, and what would be included under that umbrella. Spalding suggested using the top 20 vote getting uses from the survey. Pattison stated she was leaning towards outlining permitted uses in the zoning ordinance. Pattison stated it would get as specific as having definitions for specific uses that are mentioned in the ordinance. Spalding stated the new zone would permit all uses in the rural residential zone, as well as small business, then include the definition in the zoning language. Immorlica stated she felt that it was important to include wording stating something like, "no other uses will be permitted except by special exception". McKinney agreed that could go in the ordinance. Spalding asked the AA to send Pattison a word file of the current Zoning Ordinance. Pattison asked the board about returning to discuss the mixed use zoning in June. The AA stated the 4th Tuesday meeting would be on June 28th. Pattison agreed to that date. Pattison left the meeting.

9:06 PM

Immorlica asked about mail and announcements. Spalding asked about Murphy, and what he has before the Zoning Board. Murphy explained how he and his wife have a homestead license with the state to bake items in their home, and they realized they needed a Special Exception from the Town as well. The AA stated that there wasn't a full board when Murphy came to the Zoning Hearing the previous week. Walter Collins, who had been chair for many years, had stepped down at the end of 2015. The Vice Chair was out of state, another board member was ill, and the Zoning Board currently only has one alternate. Murphy chose to wait until May rather than be heard by a 4 person board. The AA stated on May 17th there will be a full zoning board and that Murphy's application for a special exception to operate a home business will be heard at that time. Murphy mentioned that his house has a grandfathered non-conforming use of apartments, and that the Zoning board seemed to think that granting the special exception would make the house more non-conforming, which is against zoning regulations. The AA explained she contacted the NH Municipal Association for clarification of this issue, and read the reply she received. "A non-conforming use is a use not allowed by zoning. A nonconforming use that is grandfathered means that it is allowed even though it violates zoning, because it preexisted the zoning ordinance provision that it is now in violation of. A special exception is a use that is allowed only if the particular requirements set forth in your zoning ordinance are met. If the property owner meets those requirements, s/he is entitled to be granted the special exception. The special exception is an allowed use because the property owner has satisfied the zoning ordinance requirements, unlike the preexisting nonconforming use, which is a use that is actually not permitted, but allowed to continue." Immorlica asked if it would be appropriate for the Planning Board to write a letter of support. Quinlan asked when Murphy would be going before the Zoning Board again. The AA stated May 17th. Murphy thanked the board for their time and left the meeting. The AA told the board there was a new application for a minor subdivision, from the Viberts, concerning their land on Hazen Road, and that they were on the schedule for 7:30 on May 10th. Immorlica suggested putting the Viberts first on May 10th, and having the continued Vaughn hearing at 7:30. The AA mentioned the Plan they've submitted only shows 2 of the three lots of the subdivision. The AA stated she also discovered the NH OEP publishes a Planning Board handbook, and she'd ordered one for the office. In other business, an email was received from an engineer representing the owner of Map 2 Lot 43. The AA explained she'd been CC'd on the email and read the email: "I am working on a proposed wetland impact at the above referenced undeveloped property for the purposes of constructing a driveway across a stream to a proposed house site. I would like to meet with the Conservation Commission to discuss the project prior to applying to the Planning Board and NHDES. Please let me know when the next available meeting is that I could attend. Thank you." The AA stated she wrote back and explained the Planning Board application and notification process. The AA stated the engineer is on the agenda for the Planning Board meeting on May 24th, to have an informal discussion, and that he would plan on submitting the application the following day to make the deadline to hold the hearing on June 14th. The AA also told the board that she would not be able to attend either of the June meetings to take minutes due to 6th Grade Graduation on June 14th, and a family vacation on June 28th. Immorlica asked if there was someone who might cover the AA. The AA also told the board she'd received 3 emails from Richard Carleton with 40 photographs of old items. Carleton stated he had heard the AA/Planning

Board was involved in saving the Trow Mill site from development. The AA stated she was not personally involved in any effort, and the Planning Board members were also not aware of any effort. McKinney suggested that Carleton should perhaps contact the Historical Society. The AA also asked if it would be appropriate/allowed for her to speak in favor of an application before the Zoning Board, or if she was required to remain neutral. Quinlan stated that would be allowed since she is not a member of the board. McKinney brought up the subject of the Planning Board writing a letter of support; McKinney stated the board should simply say the Planning Board has no objections to Murphy's application. Spalding mentioned referencing these meeting minutes to note that the Planning Board has no objections. Immorlica suggested postponing the minutes until the next meeting and the board agreed.

9:45 PM

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

Respectfully submitted,

Amy Wyman

Planning Board Administrative Assistant