

MONT VERNON PLANNING BOARD
Mont Vernon, NH 03057
MEETING MINUTES –Tuesday, June 14, 2016

AGENDA

7:00PM Dan Mullen for Vibert Family
Minor Subdivision on Hazen Road

7:45PM Chad Branon for Brett Vaughn
Subdivision on Purgatory Road

8:30PM Mail and Announcements
Review of minutes from 5/24/2016

9:00PM Adjournment

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

7:01 PM

McKinney called the meeting to order and requested all stand for the Pledge of Allegiance in order of Flag Day

7:03 PM

Dan Mullen for Vibert Family Subdivision on Hazen road. McKinney acknowledged that there were waivers that were approved at the last meeting and there were some note adjustments that needed to be made and confirmed that they had been done. Mullen confirmed that he had sent 6 copies of the mylar to the town hall and check for the LCHIP. Mullen also stated he sent in a CD for NRPC. Mylars were reviewed by Immorlica and McKinney and the correction to the easement was noted on the mylar. McKinney confirmed that the checklist for acceptance was approved at the last meeting.

7:07 PM

Spalding was seated. The board reviewed the administrative checklist and the residential subdivision checklist and confirmed complete. Immorlica motioned to approve the subdivision. Spalding seconded. All were in favor. Motion passed.

7:12 PM

McKinney confirmed there was an email requesting continuance by Chad Branon for Brett Vaughn's subdivision on Purgatory Road. The board had a discussion of whether to approach this as a brand new application process and the potential for repeat notification and reapplication. McKinney stated it will be continued to July 12th meeting. McKinney stated application has not been accepted yet. Quinlan stated that the continuation of this has probably been surpassed. Spalding stated there were a lot of people that were trying to follow this. Spalding, Immorlica and McKinney reviewed the RSA regarding application and continuance timelines. McKinney stated that they had opened application but never formally accepted the application. Immorlica suggested that McKinney talk to the municipal association and Quinlan suggested talking to Planning up at State. Spalding reviewed the application timelines of the Vaughn Subdivision and stated he felt that the board owed it to the public to re-notify. Spalding noted that the abutters list was dated in December 29th of 2015 and confirmed the mailing to abutters was January 12, 2016. It has been six months since the abutters were notified. McKinney confirmed that he and the AA will check in with the municipal association regarding the need for potential re-notification. Quinlan stated we needed to comply with regulations and McKinney stated he knows there are regulations on timelines once you accept an application but since this application has not been accepted he is not certain of the regulations.

7:32 PM

Mail and Announcements

There were three appeals to the Zoning Board of Adjustments. The first appeal is a garage renovation from Dennis Chmiel. The second is a reconstruction of a garage by Rolf Biggers. The third is a variance request for an attached garage by Stephen and Barbara Adams. Immorlica asked if these were denied by the building inspector. Immorlica also stated that if the Planning Board is being notified that it is noted that the building inspector referred to the Zoning Board. Standards on formal notice.

7:40 PM

Review of Minutes of May 24, 2016

The board confirmed there were no corrections needed. Quinlan motioned to accept the minutes. Immorlica seconded. All Approved. Minutes accepted.

7:49 PM

McKinney discussed the work session held by the NRPC that he attended. McKinney stated not a lot of the information was relevant to Mont Vernon. McKinney stated he had an information sheet on the 10 year plan for 2017-2027. In the last 10 year study, the population plateaued. McKinney stated Mont Vernon's population increase was higher than the average. McKinney stated the info sheet also shows that traffic growth is flat. McKinney noted the biggest concern for the state right now is bridges. McKinney also mentioned sidewalks, and noted that Mont Vernon's Main Street sidewalks are now ADA compliant. The board discussed the lack of sidewalks along the side streets between the Village school and Main Street. Quinlan mentioned that if the town installs sidewalks they would be compelled to pay to maintain them, and there is only so much room in the budget. Immorlica added that the Conservation Commission is looking to apply for a grant for a handicapped compliant path around Carleton Pond and wanted to know if the sidewalk proposal could be used for that. McKinney stated he thinks the answer would be no, since it's not along a roadway. Immorlica asked about maintenance of the proposed path around the Pond, and Quinlan suggested seeing the Selectmen first since the maintenance of the path would need to be covered by the town. Quinlan explained his suggestion for continuing 122 from Amherst up through Mont Vernon, New Boston and Frankestown, and wondered if the NRPC would support that idea. It would help relieve the town of the maintenance cost. McKinney stated that the types of project types NRPC was offering were local intersection improvements. Spalding suggested Route 13 & Purgatory Road. Immorlica stated she would not like to see a traffic light there. McKinney stated he would fill out the form with the board's suggestions and turn it in the the NRPC.

8:02 PM

McKinney discussed the Office of Energy and Planning conference that he attended with Immorlica in Concord, overall he stated it was a good conference.

8:04 PM

McKinney discussed the change in Law of Accessory Dwelling Units. McKinney stated the existing in-law apartment zoning regulations need to be amended to reflect what can and cannot be done with accessory dwelling units. McKinney distributed recommendations for amendments, and asked the board to take time to review his suggestions prior to the next work session. McKinney stated his biggest concern was dealing with I-308.4; he wondered if the date should be left as is, or if it needs to be updated. Immorlica stated that theoretically anything since 2006 should have been done properly with a permit, and she didn't see a reason to grant a dispensation otherwise. McKinney agreed and suggested adding language for the time period of 2005-2016 stating something about in law apartments done legally during that time may remain as is. McKinney stated the biggest change in the law is that the in law apartments cannot be limited to one bedroom. Quinlan asked why these issues are a concern. McKinney stated that at the time of sale there could be a problem if the assessor notes the accessory dwelling unit is not legal. Immorlica stated she was under the impression we cannot have 2 dwelling units on one lot. McKinney stated the law is written so that an accessory dwelling unit cannot be considered a second dwelling unit on one lot; it is an accessory use to the primary structure. McKinney stated there must be a doorway connecting the accessory unit to the primary unit. Spalding noted only single family homes are allowed in the current zoning, unless by special exception from the ZBA. McKinney stated the town cannot require there be separate utilities for accessory dwelling units. McKinney noted there is an explanation of SB-146 in the packet he handed out. McKinney noted the bill was driven by the Homebuilder's Association, and expressed concern with Concord's reach, quite literally, into the bedrooms of New Hampshire's communities.

McKinney reminded the board that these changes will have to be submitted for March 2017 town meeting. Immorlica asked about fire safety issues; McKinney stated egress requirements of the building code need to be met.

8:15 PM

Rules of Procedure

McKinney asked about the Rules of Procedure, and the AA noted that a copy had been found. McKinney asked if there were any Rules of Procedure aside from what it located in the binder. Immorlica stated the OEP planning handbook outlines some rules of procedure, such as order of business, etc. Immorlica brought up the issue of time limits, and suggested adding something in the Rules of Procedure for time limits for speakers. McKinney stated the Chair reserves the right to enact time limits. Immorlica noted other issues that have come up are a cell phone policy, dress code, time limits for speakers, no one can speak again unless all speakers have been heard, rules can be waived by the chair, and when there's a question, the board follows Roberts Rules. McKinney noted Roberts Rules are very strict. Immorlica stated she wants the Rules of Procedure to be a fall-back policy. Quinlan stated the important thing is to have a good chair. A good Chair can manage a hearing. Immorlica noted the Rules of Procedure are for the board but that they are for the public so they can know the expectations for attending a meeting or public hearing. Quinlan stated the chair has the power to say the public is only present to hear and not speak at a public meeting. Immorlica noted the public has the right to speak at public hearing. Spalding stated he'd found the rules of parliamentary procedure in the Planning Board AA Handbook, and stated there is good information there such as fixed time for adjournment, and information on motions, such as limiting debate or conversation to a set amount of time. Immorlica states the board needs to adopt some set of rules, and commented that she did not like what NH OEP has for an outline of Rules of Procedure on their website, but did suggest it as a starting place. Immorlica stated the board members should read the NH OEP Rules of Procedure online and come to the next meeting ready to discuss them. (Note from AA- They can be found on the following page: <https://www.nh.gov/oep/planning/resources/planning-board-handbook.htm> Under Appendix C: Suggested Rule of Procedure for Planning Boards) The board discussed that the way a meeting/hearing is run is at the chairman's discretion. Spalding suggested introducing themselves to the public at the start of a meeting.

8:27 PM

Immorlica suggested another item for the Planning Board to-do list: She suggested looking at Transfer of Development Rights in Mont Vernon. Spalding stated the Planning Board doesn't have the ability to do that. McKinney agreed and stated that would be something the Selectmen would have to handle; you can't give away or sell property without a vote of the Town. Quinlan stated it would need to be a warrant that goes in front of the town, so it could be a yearlong process. McKinney suggested possibly having a land fund to purchase properties. Quinlan questioned whether the fund would be legal for the Selectmen to pick and choose how the money got spent. McKinney agreed and stated a town vote would be needed to spend the money. Immorlica mentioned impact fees. Quinlan stated he never liked them, and stated if felt like a bribe was being paid. Immorlica talked about how transfer of development rights is a land swap, on properties that are equivalent.

8:37 PM

Building Use Committee

McKinney stated the committee is meeting with firms on June 23rd and June 29th and there are 4 firms will be interviewed; there are two within price range. Immorlica asked about lead paint remediation on the McCollom building. Quinlan stated they are getting high quality cedar boards that should last about 50 years. The board discussed the pros and cons of different types of siding. Immorlica asked if the firms were coming up with a utilization plan. Quinlan stated the firms are documenting the structural status of the building and creating a utilization plan.

8:42PM

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

Respectfully submitted,
Jessica Weisberg

& Amy Wyman
Planning Board Administrative Assistant