

MONT VERNON PLANNING BOARD
Mont Vernon, NH 03057
MEETING MINUTES –Tuesday, July 12, 2016

AGENDA

6:30PM Downtown Walk to discuss setbacks for proposed
Town Center District - Meet at Town Hall

7:30PM Planning Board meeting convenes in Town Hall Meeting Room
Finalize Rules of Procedure

7:30PM Accessory Dwelling Units

8:30PM Mail & Announcements
Review of minutes from 6/14/16 & 6/28/16

9:00PM Adjournment

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

6:30 PM

McKinney, Immorlica and the Administrative Assistant (AA) went on the downtown walk. McKinney used a laser measuring tool to determine distances from houses on Main street to the curb. The closest properties were 13-15 feet from the curb. One was as far as 38 feet. McKinney pointed out businesses would want to be close to the road for visibility. Immorlica wondered if it were possible to have a restriction which states no parking would be allowed in the front of the business. McKinney stated yes, and that applying for a variance would be possible if the lot wouldn't allow for parking elsewhere. McKinney stated the right of way needs to be determined before deciding on a distance for a setback. McKinney also pointed out the right of way may vary along Route 13. McKinney stated he liked 35 feet as a setback, and suggested the board stipulate that there be green space in the front of the houses. Immorlica again mentioned the idea of not allowing parking in front of a business. The last property McKinney measured was the Library, which is about 50 feet from the curb. Both Immorlica and McKinney agreed 50 feet felt too much. Immorlica stated the house which was 38 feet felt like a good distance, and agreed with McKinney's suggestion of 35 feet for a setback. The AA asked what happens to houses which are closer than 35 feet? McKinney stated they would be grandfathered.

7:11 PM

McKinney called the meeting to order, and asked all to rise for the Pledge of Allegiance. Concerning the Vaughn subdivision, McKinney explained that Brett Vaughn has been informed that because the subdivision application has not yet been accepted that abutters need to be notified each month. The Planning Board is waiting to hear back from Vaughn and his engineer. McKinney stated Vaughn is tentatively on the August 9th meeting agenda, and the deadline for them to submit an abutter's list as well as any new information is Wednesday July 20th. Immorlica suggested the AA could be called on the 20th to see if the information had been received in a timely manner. Paul Bagley, Jim Kempf, and Dean Burland, all members of the Purgatory Falls Fish and Game Club were present. McKinney stated the board has received the results of the sound study, and they have been reviewing the results.

7:23 PM

McKinney briefly discussed the downtown walk with the board, and stated the right of way needs to be determined. Garth Witty was present to discuss the wetland crossing at Map 2 Lot 43 on Old Amherst Road, and having been Road Agent in the past, Immorlica asked if he knew what the right of way on Route 13 is. Witty stated probably 4 rod, which is 64 feet. McKinney stated he would contact NRPC to discuss the right of way. Immorlica made one more comment on the downtown walk, and noted a 10 foot side setback would be narrow.

Action Item: McKinney to contact NRPC in inquire about right of way on Route 13.

The AA pulled the Planning Board's copy of the wetland permit for Map 2 Lot 43. McKinney explained the Planning Board does not have jurisdiction over the permit, but that the Conservation Commission would be able to give input to the state concerning the permit. The board discussed the Planning Board's role in the process, and the AA explained that the engineer, Ray Shea, is on the agenda for the August 9th meeting to hold an official hearing. Witty noted his daughter received a letter advising attendance at that evening's meeting. The AA pulled the application folder and noted that she had not sent notices for the hearing yet. Witty stated the letter he received seemed to have come from the engineer. Spalding stated the permit involves a driveway, not a subdivision. Spalding identified the pertinent zoning regulations, II-401 & II-402. Witty stated he hoped the Conservation Commission would weigh in and review the application in addition to the Planning Board. Spalding wanted to know if NH DES had reviewed the application. Spalding asked the AA to contact NH DES and determine if the application review was complete. The AA had one question related to the application fees for the wetland permit application, and explained no lot fees had been paid since there was no subdivision happening. Ray Shea paid \$140 for the application fee and noticing fee. The board agreed that the fees that had been paid are sufficient. The AA stated she would notify Ray Shea.

Action Item: The AA to contact NH DES to inquire about the wetland permit application, and contact Ray Shea concerning application fees.

7:46 PM

The board discussed Rules of Procedure. Immorlica stated having written rules of procedure would make the board in compliance with the state, but that she doesn't want to make a big deal out of it. Immorlica made notes on the suggested rules of procedure from the NH OEP, and added that a cell phone policy and dress code may be worth adding. Quinlan stated not to adopt anything that the board won't follow. Spalding stated the chair should go through the official format for a hearing at the start of a public meeting with an audience. Immorlica mentioned the rules of procedure are supposed to be on file with the Town Clerk. The AA stated they are in the AA handbook behind the counter at Town Hall. McKinney pointed out many town clerks do not want extra copies filed in their office, and stated that as long as the clerk can point someone to the office where the information is located that satisfies the law. McKinney stated he will review the NH OEP Rules of procedure. McKinney asked the AA to add Rules of Procedure to the July 26th worksession meeting. Spalding also suggested that once Rules of Procedure are adopted, they should be uploaded to the Planning Board page on the Town Website.

Action Item: McKinney to review the NH OEP rules of procedure & parliamentary procedure for meetings to compile a draft for Rules of Procedure for the board. AA will add Rules of Procedure to 7/26 agenda.

8:02 PM -Mail and Announcements

McKinney announced the Board of Selectmen appointed a new member to the Planning Board. Bill Johnson, who has extensive experience in construction, mostly on large scale projects. McKinney sent an email to Johnson the night before to notify him of the appointment. The board discussed alternates, and McKinney stated he hoped to find some people willing to be Planning Board alternates, as well as members who were willing to sit in on other boards and committees. Immorlica stated she is the rep. between the Planning Board and Conservation Commission. Immorlica mentioned there is a state RSA which states the Planning Board and Zoning Boards are supposed to meet all together once a year. The AA stated she would send the email of the Zoning Board chair, Sheila Sturm, to McKinney.

The AA stated there was no new mail. The AA stated she would be handling the notifications for the wetlands impact application in the coming week. The AA stated she had sent an email to Chad Branon the previous week concerning the information from NHMA about the requirement to notify abutters each month, and that there had been no reply yet from Branon. The AA stated there is one abutter to the Vaughn property to checks in by email about once per month.

McKinney stated he hasn't come up with final information concerning Mystic Brook LLC, and vested rights. Immorlica stated she read the pertinent RSAs; vested means that they do not have to abide by any new regulations that the town adopts for 5 years. Immorlica stated that the subdivision in question are lots of record, and questioned whether a new owner would need to re-submit a subdivision application. McKinney asked the

AA to contact the NHMA to inquire how long an approved subdivision is valid for, and what defines substantial improvements. Immorlica stated the wetlands crossing has been completed. Immorlica stated the Planning Board is supposed to designate what defines active and substantial improvements, but that it was not done in this case. Immorlica strongly suggested that going forward the board define active and substantial improvements for subdivisions. McKinney asked the size of the wetlands crossing. Immorlica stated she did not know. McKinney stated he has always felt that active and substantial improvement means that the roadway is passable.

Action Item: The AA to contact NHMA concerning active and substantial improvements and how long an approved subdivision is valid for.

8:10 PM – Review of minutes

The board reviewed minutes from 6/14 & 6/28. Spalding had an edit for the 6/14 minutes, and Immorlica noted her name had been spelled wrong on the first page of the 6/28 minutes. McKinney asked the AA to add action items to the minutes going forward. Spalding asked about the conversation on 6/14 concerning transfer of development rights. Immorlica stated the Planning Board does not have the authority that the Selectmen should handle of transfer of development rights. Quinlan noted the Selectmen would have to bring a transfer of development rights to Town Meeting. Spalding also noted something like this should be included in a master plan, as it is visionary planning. Immorlica motioned to approve the minutes from 6/14 as amended. Spalding seconded. All were in favor, the motion passed. Immorlica motioned to approve the minutes from 6/28 as amended. McKinney seconded. All were in favor, the motion passed. Spalding abstained.

8:20 PM – Accessory Dwelling Units

McKinney stated he reviewed Immorlica's notes concerning accessory dwelling units, and asked if the board had any comments. Spalding stated he thought the language was well done. McKinney had one question regarding restricting detached Accessory Dwelling Units (ADU), and asked for confirmation that the board was comfortable requiring that ADUs be part of the principal structure. This would mean an ADU could not be placed over an attached garage. Immorlica agreed that an ADU should be attached and part of the main building. McKinney also agreed and stated a detached ADU could invite use as an apartment. McKinney suggested requiring one of the units to be owner occupied. McKinney stated the intent of ADUs is for them to be family occupied. Immorlica mentioned that an ADU included as part of a detached garage essentially creates 2 primary residences in one lot, which is not allowed. McKinney stated that the law does not define an ADU as a primary dwelling, it is an accessory dwelling to the primary structure. Immorlica stated once a property is sold, the new owner might think they can rent the ADU, which would then be more like a primary residence for the renter. McKinney stated ADUs can be rented once the new law goes into effect, and it will be legal to do so. McKinney reminded the board that Mont Vernon's ADU regulations will limit their size to 800 square feet. Quinlan asked what defines attached vs. detached. McKinney mentioned a line in the regulations which states access to the ADU shall be through an interior door off of a living area, open foyer, or hallway contained within the larger dwelling unit. McKinney stated that requirement will force an attachment with the main dwelling and the ADU. Quinlan described a hypothetical situation where a house had a walkway between an ADU and a house and wondered if that were legal. McKinney stated that would be up to the building inspector, but that in his opinion the connecting space needs to be conditioned space. McKinney stated the home builder's association wrote the amendment and pushed for its passing with the intent to split open towns that have restrictions on ADUs. Quinlan stated he felt that this rewording of state law leaves room for people to do whatever they want. McKinney stated that's why it's important that Mont Vernon's regulations include the line regarding the ADU not being in a detached structure. McKinney specifically mentioned that a hallway needs to be conditioned space as well. The AA asked what conditioned space meant. McKinney explained conditioned space means tempered air, able to maintain a minimum of 68 degrees. Immorlica asked if the board planned on going with the draft as is. McKinney stated he was fine with it as is, and he would get it ready to be submitted to be a warrant article. Immorlica mentioned there were still a few cases where the regulation mentioned In-law apartments, and McKinney needed the mention of existing in law apartments needs to stay, because of the grandfathered in-law apartments. ADUs don't go into effect until March of 2017. Immorlica asked when the board should schedule a hearing for the ADU. Both Spalding & Quinlan will not be in attendance for the first August meeting, so McKinney suggested the worksession night, August 23rd. The AA stated she will not be in attendance on August 23rd, and McKinney asked the AA to contact Jessica Weisberg to ask about taking minutes again.

Action Item: McKinney to get final copy of ADU regulations to AA to be submitted as part of scheduling the August hearing. AA to scheduling public hearing for ADUs.

8:40 PM – New Business

Immorlica mentioned that Mont Vernon has no driveway regulations. McKinney suggested it be put into next year's calendar, so that Mont Vernon residents are not overwhelmed at Town Meeting with all the warrant articles from the Planning Board. McKinney stated enforcement would need to be determined. Spalding suggested the building inspector, McKinney stated he felt it would fall to the road agent/public works director, since cross culverts and driveway approaches tend to be in the right of way. McKinney stated he's written a driveway regulation before, and he thinks it's a good idea. McKinney stated he would get a copy of Milford's driveway regulation to the board. Immorlica stated one of the reasons the regulation hasn't been done in the past is because buildings are not required to be sited on subdivision plans, so they don't know where the driveway is going to go. McKinney stated it can be handled by requiring people to apply for a driveway permit when apply for a building permit. McKinney stated it can be another revenue stream. Immorlica stated that an improperly built driveway can be a dangerous safety hazard. Spalding cited III-705-5(d) in the zoning regulations, which states: III-705.5(d) Driveway Culverts: The location, length, size, bedding, and backfill of all driveway culverts shall be approved by the Road Department prior to construction. Driveway culverts shall be located a minimum of eight feet (8') off the edge of the roadway pavement. In general, driveway culverts placed in the right-of-ways drainage swale shall be a minimum of eighteen inches (18") in diameter and so designed as to provide for the proper flow of storm run-off. McKinney noted an interesting fact concerning the 18' size, explaining that size has become standard because a basketball rolls through it and does not get stuck. McKinney stated a driveway regulation could be added in that same spot, and suggested the board get input from the road agent, and from the fire department. Immorlica asked if the Milford ordinance mentions driveway width, and McKinney stated yes. McKinney stated the Milford's driveway regulations will just be a starting point. Spalding asked what the board is trying to fix. Immorlica stated driveways that are dangerous are a safety issue not just for residents but also for the town. Spalding stated the driveway outside of the right of way is on private property; he understands drainage and approach, but questions how far the board should take things outside of the right of way. McKinney stated the only things they should look at out of the right of way would be minimum width and grade. Quinlan suggested maximum width as well as minimum.

Action Item: McKinney to email copy of Milford Driveway regulations to the rest of the Planning Board. AA to add driveway regulations to the August 23rd meeting agenda, and send future draft to Road Agent and Fire Department to ask for input.

8:52 PM

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

Respectfully submitted,
Amy Wyman
Planning Board Administrative Assistant