

MONT VERNON PLANNING BOARD**Public Meeting Minutes****February 26, 2019****AGENDA**

Times are approximate and subject to change without notice.

- 7:00 pm Steve and Kim Roberge – Subdivision Discussion
35 Salisbury Road
- 7:30 pm Joanne Dufour & Ellen O’Shea – Subdivision Discussion
27 Old Milford Road
- 8:00 pm Update: Master Plan Workgroup
- 8:30 pm Town Center District
 - Review recent use amendments
 - Conditional use check list questions
- 8:50 pm Other Business
Mail & Announcements
Review Minutes from 1/8/19

Seated: Bill **McKinney**, Charles **Baker**, Michelle **Riesellman**, Steve **Bennett**

Absent: Bill **Johnson**, John **Quinlan**, Chip **Spalding**, Rebecca **Schwarz**, Eric **Will**, Dave **Hall**, Jim **Bird**

7:00 PM

McKinney called the meeting to order and had everyone stand for the Pledge of Allegiance. Steve and Kim Roberge, 35 Salisbury Road, came before the Board. Kim Roberge stated that they purchased their 30+ acre property in 1994 with the intent to subdivide. Bob Todd was their surveyor. When they originally approached the Planning Board their thought process at that time was to subdivide the entire parcel into a mother lot and 6 more lots off of it. The Planning Board considered that a major subdivision. The Planning Board wanted to discuss open space because there was Town property that abutted this property. There was no fire pond at that time on Beech Hill; there is a cistern on Salisbury Road. Bob Todd recommended that they subdivide it into two separate parcels. They did that in 2002. They then took the mother lot and divided that into 3 more separate parcels, keeping with the thought process of a minor subdivision. The approval for the subdivision came through from the state subdividing lots 6-16-2-1, 6-16-2-3 and 6-16-2-4 off of the main lot. They pulled a new house permit on lot 6-16-2-4 which abuts town property. They have a party that is interested in the house and possibly the lot next to it. What was a shocking surprise to them was when they were asked by this party when they would be installing the sprinkler system in the new house. They stated that they were not installing a sprinkler system in the house, that it wasn’t part of the subdivision. The interested party showed a copy of the recorded plan which states it needs to be sprinkled. Roberge stated that they have no plan that states it needs to be sprinkled. They went through the process to have a minor subdivision; they divided into 2 separate subdivisions so as to not be a major impact on the Town with this. They believe this to be an inaccurate recording. Roberge doesn’t know how to have it removed from the plan. **McKinney** reviewed the signed plan. Note #17 specifically reads ‘All dwellings constructed on lots shown here shall be protected against fire hazards by the design, installation and maintenance of automatic sprinkler systems in accordance with requirements of the 1999 edition of NFPA 13D. Acceptance of the automatic sprinkler systems shall be a condition for issuance of any certificate of occupancy by the Mont Vernon Building Inspector. Further, this requirement shall be cited in the deed for each building lot as an obligation passing the ownership of said lots.’ Roberge said they didn’t know it was recorded. They had no intent to install sprinkler systems nor did they believe there was the need for them there. Roberge asked how should they re-record or have them properly recorded. The reason for doing a minor subdivision was that they would not have to meet the requirement of sprinkler systems. This plan misrepresents the intent of the minor subdivision. **McKinney** read from the Planning Board minutes of 2/24/04: ‘Items completed were Note #17 relative to fire protection, house numbers were on the plan, Note #19 gave impact fee statement.’ So note #17 was verified. It was in the Roberge hearings. Roberge asked what they have to do to have this taken off the deeds. She doesn’t believe we ever had any zoning regulations that could require them to install sprinkler systems and on top of that she knows that the State can’t force that anyway. **McKinney** explained that you don’t necessarily need an ordinance to say you need sprinkler systems (before the law came in that prohibits forcing sprinklers in 1 and 2 family homes). The Departments could put conditions on plans. **McKinney’s** guess is that the Fire Chief at the time probably

wanted this condition met as the distance from the Fire Station to this property is quite a ways from the Fire Station. In order to change a recorded plan you would have to amend it. That means going back through the hearing process, which means we'd have to hear again from Roberge, the Fire Chief would certainly want to weigh in on this, and then the Planning Board will have to make a decision on whether or not we can rescind that condition. **McKinney** doesn't see any other way to go about it because we would be making a change to a recorded plan. **McKinney** asked if they had priced out the cost of a sprinkler system. Roberge said no they had not done any research because they didn't think it was required. She went on to say that NHRSA states at this point not only can the Town not adopt something like that but that it would be illegal. The new law passed 6 years after the plan was approved. It would be a tough requirement for the Town to require even if recorded in a past plan because it's a minor subdivision. **Bennett** made the point that they knew what was on the plan; the law doesn't forgive people who agree to put conditions on it. **McKinney** stated it might have been an oversight other than it's clearly noted in the minutes of 2/24/2004 which states 'Items completed were Note #17 relative to fire protection...' Roberge stated that was a year before it actually got recorded. **McKinney** stated that's what the process is all about; your dispute would have been in that time frame before the plan was recorded. Roberge stated that her dispute now would be that they went through the process for it to be a minor subdivision so that it didn't need that requirement to begin with. Another question Roberge had is if the perspective buyer wanted to purchase the adjacent lot, 6-16-2-3, would they need to do a lot line adjustment? Roberge wouldn't want them to ever be able to sell it as a buildable lot. **McKinney** said the owner could do a voluntary lot merger. Roberge asked how they could word it on the deed so that the purchaser could never subdivide and sell it as a building lot. **Bennett** suggested that they could put a covenant on the lot. **McKinney** suggested that they do a voluntary lot merger themselves and make it into one lot. Then they can rewrite the deed and put the restriction right on the deed that the lot cannot be subdivided. As for Note #17, **McKinney** recommends they price out sprinkler systems. He is a big proponent of the systems especially this far out of town in regard to the Fire Department. At least look at the prices and see if it's worth it. If not, you will have to go back through the filing process with us, the fire chief, noticing abutters, etc. in order to try to amend this site plan. There are costs associated with this as well. **McKinney** thinks that current state of law would probably have no bearing on this because it predated it; but also states that he is not an attorney. Roberge said that the problem they have is the house is ready for drywall, so it's a decision that they will have to make pretty quickly. We discussed dates should a hearing be necessary.

7:40 PM

Joanne Dufour and Ellen O'Shea, 27 Old Milford Road came before the Board to discuss the possible subdivision of their property, Tax Map 1-37-2, which is a 4 acre piece. They have one house on the property. They are wanting to determine if there is enough dry land to support a second house and septic system. Their land surveyor is concerned with the amount of dry land. There is a section of the property that he feels has the proper soils and drainage to support a house. However, that may make the existing house lot non-conforming due to setback regulations. The surveyor suggested they come before the Board for discussion before moving forward with the surveying. The Board reviewed the site plan. **Bennett** discussed section III-410 of our Subdivision Regulations regarding septic systems and leach fields. **McKinney** suggested that they have their surveyor search this section in the regulations which explains the setback areas in detail. There are a lot of technicalities in the regulations that the surveyor will have to look at. He will then have to determine whether or not it can be done based on the testing they will have to do. He is waiting for the ground to thaw before going back out onto the property. Once he is able to do that, they will come back with a new prepared plan and go through the process of a subdivision public hearing.

8:10 PM Update Master Plan Workgroup

Baker had not heard from anyone regarding the update. **McKinney** said that he has sent everything he has gotten from Bill Johnson to Rebecca Schwarz which she is going to format. Both Johnson and Schwarz are away. Tabled until next meeting.

8:15 PM Town Center District

The Board reviewed the latest revision. **McKinney** has been working with the NRPC on this. There are a few minor corrections to be made with the language and formatting. One other change discussed with NRPC is in regards to the conversion of a structure to non-residential prior to the date of adoption of this Ordinance. Should a waiver be possible if the structure exceeds the 3,600 foot limit? **McKinney** will be meeting with the NRPC again next Thursday. There have been a lot of changes up in Concord since the beginning of this and they are trying to make sure that what we are writing now will still conform to state law. **Bennett** brought up the issue at state level of affordable housing and family friendly subdivisions designed for either end of the spectrum; empty nesters or young first time home buyers. **McKinney** said that from an economic viewpoint they have a real problem with work force shortages in this state. The big corporations cannot hire the people they need; they are bussing people in from out of state. They cannot find the housing in order to attract the people they need to meet the demands of their business. Lower cost housing is needed. There is a study group now trying to actually define what an 'affordable house' is. It's a percentage of the total income of your community. In a town like Mont Vernon an 'affordable house' is \$300,000-\$350,000. Somebody that just comes out of college with student debt, etc. just cannot afford that. We need to start looking at smaller cluster type developments.

8:35 PM Other Business

The Board discussed the 25th Spring Planning & Zoning Conference which is being held in Concord on Saturday, June 1, 2019. **McKinney** feels this is a very beneficial training for the Board. Joan will email to the Board members. The Board reviewed the minutes from 1/8/19. **Baker** motioned to accept the minutes of 1/8/19 as written seconded by **Bennett**. All in favor the motion passed.

8:40 PM

As there was no further business before the Board, **Bennett** motioned to adjourn seconded by **Riesselman**. All were in favor, the motion passed.

Respectfully submitted,
Joan Cleary