

**MONT VERNON PLANNING BOARD**  
**Public Meeting Minutes**  
**October 10, 2017**

**AGENDA**

Times are approximate and subject to change without notice.

7:00pm Old Orchard Subdivision (Review & Verify all conditions of PB are met)

7:45pm Old Mill Estates (Review)

8:30pm Mail & Announcements  
Review Minutes from 9/26/17

8:45pm Other Business  
Reports of Committees

- Master Plan Work Group (Annette I.)
- Building Use Study Committee (Bill M.)
- Town Center District Subcommittee (Dave H.)
- Conservation Commission (Annette I)

9:00pm Adjournment

**Seated:** Bill **McKinney**, Annette **Immorlica**, John **Quinlan**, Bill **Johnson**, Chip **Spalding**

**Present:** Steve **Bennett**

**Absent:** Dave **Hall**, Eric **Will**, Chris **Aiston**, Jim **Bird**

**7:00 PM – Old Orchard Subdivision**

**McKinney** called the meeting to order and asked everyone to stand for the Pledge of Allegiance. Chad Branon, Fieldstone Land Consultants, was present to represent Brett Vaughn. The road bond estimate was discussed. **Spalding** went over the quantities; it all comes out to the agreed higher estimate amount given by the Board. Branon made the adjustments on the drawings to reflect full select materials under the roadway. The wearing and binder coarse shows 3” in the details of the drawing. D&S Excavation is the contractor that will be doing the road project. **McKinney** went over the discrepancies noted in the 9/18/17 letter to Vaughn which have been clarified/updated:

- Typical Cross Section - Purgatory Rd. Upgrade (Sheet 9 of 13).
- Full road depth of base materials
- Quantity takeoff supporting documents
- Specific lot numbers added to the notes on the plan restricting access on all proposed lots bordering Upton Road. Legal documentation putting that restriction on the deeds of each affected property is to be forwarded.

**Immorlica** went on the record to state that there have been many changes to the plan set. We waived an outside review. It is very hard to track whether the changes have been carried through on the plan. In the future she wants to stick with an outside review. She questioned the wording of the Right Of Way Dedication Deed for Upton Rd, which currently reads ‘There is reserved to the owner of each lot abutting said road the right to use said road for ingress and egress.’ This is a big concern to her because this plan does not prohibit back lot subdivision. Somebody may eventually put a driveway on Upton Road and come to the Board to ask to subdivide. **Bennett** feels that language should be removed from the Right Of Way Dedication Deed. Branon agreed to make the modification to the language of the document. Vaughn has agreed to the Conservation Easement. The details are to be worked out between Vaughn and the

CC. **Immorlica** questioned the language of the ROW Deed regarding the 25' from the center of Purgatory Rd. It was discussed and agreed that the language is correct. **Immorlica** asked for a signature block to be added to legal documentation for the Selectmen to sign. **Immorlica** asked **Quinlan** do the Selectmen want consequences spelled out for non-compliance with the common drive agreements. **Quinlan** stated not at this time. **McKinney** brought up Note #17 on page 5 of 13 in reference to sprinkler systems. The note reads 'All new lots will be furnished with sprinkler systems as this proposal does not contemplate installation of a cistern.' **McKinney** suggested that Branon change the wording to 'All new dwellings will be furnished with residential sprinkler systems.' The current wording makes it sound as though the builder will be putting in irrigation systems for all the lots. **McKinney** stated that we need the legal review completed and all legal fees paid before we can give final approval. Branon will make the necessary revisions to the legal documents and send them over for legal review. Branon said they would be willing to post an escrow account to cover the legal review costs. Vaughn would not be able to sell any lots or pull any building permits until final approval is granted; however, he would be allowed to line things up to get the road construction going. The contractor would like to start by the end of the month if at all possible. Branon asked if we could work with them on that schedule. He feels there is no risk allowing his client to move forward as long as the road bond is posted and there is a preconstruction meeting with the Road Agent and perhaps a representative from the Board of Selectmen. The amount of \$2,000.00 was agreed upon as a sufficient amount for the legal review escrow. **Immorlica** motioned to accept the road bond amount of \$326,447.02, seconded by **Johnson**. All were in favor, the motion passed. **Johnson** motioned to accept an escrow account for legal review in the amount of \$2,000.0, seconded by **Immorlica**. All were in favor, the motion passed. **Spalding** questioned the logistics of the town road – we can't close the road as people live there. Branon said this will be discussed at the preconstruction meeting with the Site Contractor as well as the DPW Director, Fire Chief and Police Chief. Maintaining the traffic flow will be discussed and the existing residents will be notified of the work schedule. Road compaction testing was discussed. Fieldstone does not offer that service but there will be an agreed upon company to do the road testing. Test results will go to the DPW Director. **Spalding** next questioned the logistics of winter coming. With the road being partially built, will Vaughn do the plowing or does he expect that the Town should do it? Branon responded that worst case scenario, the road will be a lot wider with ditches and they would be looking for the Town to maintain it as it is still an accepted town road. If the road doesn't get paved this calendar year, in the springtime there would be a certain amount of road work that would need to be redone in order to bring the road back up to par so that it can be paved. **Johnson** asked if Branon could draft an agenda for the preconstruction meeting with these bullet items listed so as to make sure nothing is missed. **McKinney** motioned to allow Vaughn to proceed with the road construction provided no work is done on any of the private lots (except those on the south side). **Spalding** seconded. All were in favor, the motion passed. **McKinney** will notify the DPW Director that the road construction will be scheduled to begin.

#### **8:00 PM – Old Mill Estates Review**

**McKinney** discussed protections for the Town. In reviewing the draft HOA document, he noted that in the event that Reilly Road and Crosby Drive are not accepted by the Town, there is no clause written in the document that would require the HOA to assume responsibility of all drainage structures within the right of way. The Stormwater Agreement references everything the HOA is responsible for maintaining but there is nothing in there should the Town not accept the roads. **McKinney** stated that there may have been a dispute between Meridian and the contractor. Meridian was doing inspections but then stopped. **McKinney** made it clear to Anderson that the Town reserves the right not to accept the road if we do not have all the inspection reports. We have requested that they appear at our next meeting on 10/24/17. **Bennett** went through the Stormwater Easements and the By-Laws of the HOA. He suggested a few changes and additions to the language within. **McKinney** took notes and will send the updates back to Gamache. **Spalding** noted that if possible, for all future road development we should have a clause in the language which states that a HOA must be set in place. If the Town does not accept a proposed road the homeowners would be responsible for the maintenance. If the Town does accept the road the HOA would be dissolved. It was agreed that this would be a great safety measure for the Town and we should look into this as a future development agreement. **Immorlica** noted that we are supposed to define active and substantial; this would resolve some of the town safety issues.

#### **8:45 PM**

The Board reviewed the minutes from the 9/26/17 meeting. **Johnson** motioned, seconded by **Immorlica** to accept as written. Five were in favor, one abstention. The motion passed.

#### **8:50 PM – Reports of Committees**

- Master Plan Work Group – **Immorlica** noted that there were 57 responses to the survey. The feedback is that question #6 on the survey needed to have 'none of the above' as a choice. You couldn't bypass that question; it's too late to change it now as it would invalidate the rest of the survey. Since it's an invalid statistical survey they will go with the general trend and use as a guide.
- Building Use Study Committee – **McKinney** noted that they are updating the building presentation for 10/19/17. Joan will check with the MVVS to make sure we are set with the MPR.
- Town Center District Subcommittee – **McKinney** noted that there is nothing new from the subcommittee. The next step will be to start working on an ordinance. This will take place next year as we have a lot going on right now.

- Conservation Commission – **Immorlica** said that they meet tomorrow night and will be formulating their budget numbers for 2018. They are looking for an update on Carleton Pond. The next item on their agenda is to start formulating a Wetlands Ordinance. They will discuss the draft Driveway Ordinance. **Immorlica** will let the CC know that Vaughn has signed the draft Conservation Easement. The CC has to either accept it or reject it.
- **Quinlan** informed the Board that a Cease and Desist has been issued on a parcel on Cheever Road. The driveway had been built on town land as well as work being done to the new build without proper permits being pulled. The owner has been given until 11/15/17 to remedy these issues. **Quinlan** sadly informed the Board that Jim DeWitt passed away suddenly. He had been a member of the MVFD as well as our Emergency Management Director back in 2014.

**9:15PM**

As there was no further business, **Immorlica** motioned seconded by **Johnson** to adjourn. All were in favor, the motion passed.

Respectfully submitted,

Joan Cleary

Planning Board Administrative Assistant