

MONT VERNON PLANNING BOARD  
Mont Vernon, NH 03057  
MEETING MINUTES –Tuesday, October 11, 2016

AGENDA

7:00PM Public Hearing  
Accessory Dwelling Units

7:30PM Public Hearing  
Chad Branon for Brett Vaughn, Orchard Hill Subdivision

8:00PM Town Center District

8:30PM Mail and Announcements  
Review of Minutes from 9/13 & 9/27

8:45PM Other Business  
Rules of Procedure, if time permits

9:00PM Adjournment

Seated: Bill McKinney, Chairman, John Quinlan, Annette Immorlica, Bill Johnson

Present: Dave Hall, Stephen Bennett

Absent: Jim Bird, Chip Spalding, Chris Aiston

7:01 PM – Accessory Dwelling Units

McKinney called the meeting to order, and asked everyone present to stand for the Pledge of Allegiance. McKinney explained it was too early to hold the first hearing for the Accessory Dwelling Unit regulations, so he did not open the hearing. McKinney did ask if there were any comments or questions from the public. Kim Roberge asked if there had been any changes to the draft at Town Hall. McKinney stated no.

7:03 PM – Orchard Hill Subdivision Hearing to Accept the Application

McKinney opened the hearing for the Orchard Hill Subdivision Hearing. Immorlica read the application and determined the application was complete. Chad Branon from Fieldstone Land Consultants spoke on behalf of the applicant Brett Vaughn. Branon gave an overview of the application; 9 lots total on the 88.79 acres at Map 1, Lot 24, on the North Side of Purgatory Road. This is a conventional subdivision; the smallest lot is 2.6 acres, the largest is 26.3 acres. The lots average 9-10 acres. Test pit results for the soils have been submitted. The lots will be serviced with on-site septic and wells. There is 2929 linear feet of frontage on Purgatory Road, and 1262 linear feet of frontage on Upton Road. All driveways will be accessed off Purgatory Road, and there will be 2 common driveways. The project proposes to widen Purgatory Road to 20 feet and pave to 18 feet in width, up to the high point of the property. A cistern is not being proposed; the homes will have sprinklers installed. The terrain of the site slopes north to south. The area proposed for development is through the southern portion of the property. There are jurisdictional wetlands noted on the plan. There are two wetland crossings, associated with two of the driveways. The wetlands impact is 2220 square feet, 770 square feet consists of improvements to Purgatory Road and the remaining 1450 is for the driveway crossings. Both driveway crossings are improvements to existing wetland crossings. Branon noted this application will not require an alteration of land permit. A right of way dedication along Purgatory Road will be maintained. Branon stated the proposal was presented to the Conservation Commission on September 21st. The Administrative Assistant (AA) gave McKinney a copy of the minutes from the last Conservation Commission meeting where Branon had attended and discussed Orchard Hill. Immorlica went through the Review for Acceptance Checklist. Immorlica asked about the Class of the Road; Branon stated Purgatory Road is Class 5 along the length of their project. Immorlica pointed out the property is an old farm, and wasn't sure if there had been gas tanks there that could have caused pollution. Immorlica noted the board would need to determine if a site walk would be required and schedule it if so. Immorlica asked Branon if this lot is in the watershed district. Branon stated he didn't believe it was in the watershed district. McKinney stated that can be verified during the board's review. Johnson asked if there were

plans to come back later and possibly subdivide some of the larger lots and gain access from Upton Road. Branon stated no plans have been discussed relative to Upton Road as part of this project. Branon noted a future owner could potentially bring a plan before the board but that it would include significant costs for improving Upton Road, since it is a Class 6 road. Branon stated he did not feel the lots in this subdivision are scattered and premature, and that this subdivision addresses a need in town, relative to improvements to Purgatory Road. Branon stated no environmental study was discussed with the Conservation Commission. Bennett asked how the point was determined where the pavement will stop and gravel will begin. Branon explained Purgatory Road will be paved to the high point of the road; anything that is draining back towards Wilton Road will be paved. Branon stated that for a conventional subdivision to work here for his client, they cannot pave all Purgatory Road in front of the project. Branon reminded the board of the other proposed improvements to Purgatory Road, such as the widening and the drainage culverts. Immorlica asked if there could be increased flooding downhill from Map 1 Lot 24, pointing out that during development trees will be taken out so there will be more water flowing. Branon stated conventional subdivisions don't usually get into drainage calculations because of the spacing between the houses. The spacing allows for sheet flow over land. Branon stated there are a lot of District 1 soils in the area proposed for most of the house lots. Immorlica asked about flooding down past the subdivision and wondered if there was anything that could be done since it's not part of their subdivision. Branon stated they are creating a lot of improvements along Purgatory Road and that they don't believe anything they are doing will create problems downstream. Mike Ypya, Mont Vernon Road agent, asked about the culvert crossings. Branon stated he would be happy to meet with Ypya to go over the details. Branon stated all the culvert easements are delineated on the plan, and the existing ones on the 4 lot subdivision on the south side of the road are already recorded. McKinney asked about the sprinklers, noting the town cannot require sprinklers. Branon mentioned a prior discussion with the fire chief which allowed them to do either a cistern or sprinklers. McKinney asked for documentation in writing of that agreement. McKinney also asked how property owners would be notified about the need to put in sprinklers since there is no cistern. Branon stated it is noted on the plan and it could be noted on the deed as well. McKinney stated he is concerned about fire protection in this area. Bennett asked for a sample of what the deed restriction language would be in terms of the sprinklers. Immorlica asked if there was a safety issue from the gun club; Branon stated he didn't feel there was a safety or danger issue because they have sited the homes closer to Purgatory Road.

McKinney read through the Conservation Commission recommendations from their 9/21 minutes. The recommendations were as follows: 1. Some type of protection to be put in place for the wetlands whether it be a Conservation Easement, covenants or designation of some non-buildable space on the deeds. 2. Property should not be further sub-dividable after initial plan approval. 3. North section deals with gun club; a concern is that when and if a berm is built they would be disturbing wetlands. 4. Conservation Commission to make a recommendation for the conservation easement that abuts the northern most lots on the west side of the development. We would like two conservation easements on the homes that border the trail. The language of the easement to reflect some of the same language as the conservation easement on the other side. The Conservation Commission would be happy to share typical language. 5. The Conservation Commission does not feel that the culvert crossings are not a significant concern to the commission. (error theirs- second not should be omitted). Branon stated they are willing to discuss conservation easements, but noted putting restrictions on the properties will decrease the marketability of the lots. He also noted easements are not required. McKinney asked for a motion to accept the application. Immorlica noted she still had unanswered questions, but Quinlan stated her questions are not part of the acceptance checklist. Branon stated he felt the application submittal is complete, and asked if there was a particular item on the checklist he could address. Immorlica was concerned with item #28, which states: "what impact will this proposed subdivision have on town services? Would the subdivision create one of the following conditions: constitute a premature or scattered subdivision of land, as would involve danger or injury to the health, safety or prosperity by reason of lack of water supply, drainage, transportation, schools, fire department or other public services." Branon stated he felt the scattered and premature development did not apply. Branon noted they will be meeting with the fire department and the road agent to address their concerns. Johnson motioned to accept the application. Immorlica seconded. All were in favor, the motion passed.

McKinney noted the application has been accepted, and opened up the floor for public comments. Paul Alfano, attorney for the Purgatory Falls Fish & Game Clubs spoke first. Alfano mentioned language he had submitted

during the earlier 24 lot subdivision application's review which would inform owners of lots in the subdivision that there would be shooting happening at the fish and game club and that they cannot bring an action against the club for noise pollution. McKinney asked if Alfano wanted the language in the deed. Alfano stated yes. Branon stated they would not agree to this language in the deed, but did note they would be continuing discussions with the club. Alfano mentioned the 300 foot buffer and the construction of a larger berm, and also that no trees be removed. Alfano stated the 300 foot buffer could be important, particularly if future subdivision is possible. Alfano also mentioned a possible restriction against new homes being built downwind of the club. There was some question by the board as to what constitutes down wind, and McKinney asked for clarification of what the club considers downwind. Jim Kempf, President of the Purgatory Falls Fish and Game club brought up the 300 foot buffer space around the club, and stated the reason to have the buffer would be to allow the club to raise the berm. McKinney noted it seemed like further discussion was needed between the club and the applicant. Brett Vaughn, the applicant of the subdivision, stated he's still willing to discuss the buffer with the club. Vaughn requested a copy of the suggested language from Alfano so he can discuss the language with his own attorney. McKinney noted the board would like to see the issue resolved before the board grants approval of the subdivision. Immorlica brought up the site walk again; the rest of the board agreed a site walk would be helpful. Branon stated the wetland crossings could be shown, and he could place flags where driveway alignments could be located. Branon stated they could also mark the locations of the culvert crossings. Branon proposed they would flag the center line of the driveway, number the flags, as well as a flag for the house location, all numbered and marked on an 11x17 map. Immorlica asked if other board members wanted to walk the back half of the lots. Quinlan stated he would like to see the whole area. The site walk was scheduled for Sunday October 23rd at 9:00am. Immorlica was concerned that an early Sunday start time could affect church goers, but noted that she herself doesn't mind meeting early. Branon requested the hearing for the application to be continued to the 25th; McKinney noted October 25th is the board's work session and asked if Branon would be willing to continue to the first November meeting. Immorlica noted that the first November planning board meeting has been moved from Nov. 8 to Nov. 1, due to Election Day. Branon noted the date change and stated November 1 is acceptable for the continuance. Immorlica asked if someone were not available to attend the site walk on the 23rd could they go out on the property another time? Branon stated the preference would be to not have people on the land unaccompanied, and noted Fieldstone's offices are in Milford so it would be easy enough for anyone to call them and make arrangements to walk the property at another time. Immorlica asked where everyone would meet for the site walk on the 23rd. Branon stated everyone can park on the long driveway to get off Purgatory Road. McKinney closed the public hearing at 8:32pm.

Action Item: Board to determine if Map 1 Lot 24 is in the watershed district.

#### 8:34 PM – Mail and Announcements

The AA noted she'd given a copy of the Conservation Commission minutes to McKinney earlier that evening. The AA stated she had reviewed the Town Center District boundary as requested and that her two questions had been put to NRPC and addressed. Both lots in question were called out separately in the description, and NRPC stated they needed to be kept that way. 9-35 and 10-53-4-1 are both large enough that if they were subdivided the new lots could end up not being included in the district.

Immorlica asked about the flyers that the AA had designed for the Public Input session for the Town Center District. The AA explained that the flyers as they had been originally designed were too large to be mailed as postcards and too small to be sent as Every Door Direct Mail (EDDM). The flyers would have had to be sent as regular first class mail which would have cost over \$400. The AA redesigned the flyer to comply with the EDDM guidelines, and McKinney was having them printed that week. The redesign drops the mailing cost from .47 to .17 per piece. The AA plans to mail them out at the end of the current week.

The board reviewed the minutes from 9-13 and 9-27. The AA noted the date on the 9-27 minutes is incorrect. Immorlica motioned to approve the 9-13 meeting minutes as written. Johnson seconded. All were in favor, the motion passed. Immorlica noted some typos on the 9-27 minutes. Immorlica mentioned the discussion with JoAnn Kitchel, and stated she thought there had been a mention of the historical architectural character of the town that McKinney had discussed. McKinney stated he had read part of the regulation to Kitchel, and Immorlica wanted that to be noted in the minutes. McKinney noted 408-1 A & B is what he read to Kitchel. The

AA stated she would add that into the minutes. Johnson noted an edit. McKinney asked for the address of the Mont Vernon to be added so that it is consistent with the other properties mentioned. Immorlica motioned to accept the minutes as amended. Johnson seconded. All were in favor, the motion passed.

#### 8:53 PM Town Center District

McKinney stated he wanted to have further discussion on the maximum square footage of buildings, and that the board still needed to review Article 2. McKinney explained that Article 2 will repeal I 201.1, the residential district, since the Town Center District would be replacing it. Article 2 will also create I 201.5 Town Center District. McKinney also stated I 202 would be repealed. Immorlica noted the I 202 language would remain in the zoning regulations and be struck through, with the date that it was repealed. Also in Article 2, I 203 would remove Residential (R), and add Town Center District (TCD). No amendments are proposed for I 204 and I 205. I 206 is the boundaries which have been verified by the AA.

McKinney stated after he thought further on the building size square footage, he felt the size the board had previously agreed on (3500 square foot footprint) was too large. Johnson pointed out using square footage of houses plus barns for many homes on Main Street would get close to 7000 square feet. Johnson also pointed out that any new buildings going up on large parcels of land would also have a large amount of green space. McKinney stated he wasn't sure a 3500 square foot footprint was out of character with buildings in town. Johnson stated that for someone to maintain the architectural character on Main Street, they won't be able to have a 2 story flat roofed building; the second story would be smaller. Bennett stated he was reluctant to limit anyone with a bigger lot to have to have a smaller structure. Immorlica stated she'd be more comfortable with 3000 square feet but she can see where 3500 would be more appealing to businesses. Hall pointed out this 3500 square foot size limit is for new structures. Immorlica suggested leaving it as is for now and waiting for public input to see what the town thinks. McKinney stated Article 12 is ready to go. Johnson stated he had comments on Article 12; he felt that exterior storage and display should include any exterior HVAC mechanical equipment. Johnson also stated there should be a requirement under lighting to meet IES Dark Sky requirements. Hall asked what IES was. Johnson explained that IES is the Illumination Engineering Society, and stated they give recommended levels for different applications and things that should be done to adhere to them. Johnson mentioned there should also be a requirement of no light trespass beyond the property line. McKinney asked if this would be just for commercial. Johnson agreed it would be for commercial application. Quinlan asked how these regulations would apply to the few small businesses already on Main Street. Quinlan stated he wants to make sure that whatever the Planning Board decides that it catches everyone and is consistent. Immorlica expressed concern with the sign size limit- 30 square feet. McKinney stated there are ways to word sign size limits based on store front sizes. Immorlica stated she'd like to talk more about sign ordinances, but at another meeting. McKinney reminded the board they cannot regulate content, only the size and lighting. McKinney stated the board can limit internally lit signs as well as electronic reader board signs. Immorlica suggested looking at sign ordinances from other towns. McKinney suggested the Oval District of Milford.

Action Item: Immorlica to look up sign ordinances of other towns.

#### 9:15 PM – Other Business

Immorlica asked about the Planning Board budget. McKinney explained he had been working on next year's budget and that he'd sent a draft to Laurie Brown. Immorlica noticed McKinney had not increased the AA's salary line, and wondered if an increase was needed. Immorlica asked the AA if she'd been working more hours and the AA stated she'd been working more hours since the spring. The AA also noted she hadn't reached the full budget for her salary for the last 2 years. Immorlica mentioned the salary increase that is voted on each year at Town Meeting needs to be recognized in the budget. McKinney proposed decreasing the AA's salary by \$125. Immorlica argued that the board has been asking the AA to do more work and was concerned by a decrease. McKinney stated he could discuss an increase of the AA budget line with Laurie. McKinney stated he increased the advertising and printing line, as well as the postage line. McKinney reminded board members the budget is shared by the Zoning Board as well, and there was an increase in activity this year by the Zoning Board. Immorlica asked about the Master Plan, and wondered if any of the \$1500 in that budget line could be used to contract with NRPC to help. Immorlica asked for an update on the budget after it goes before the Budget Committee.

Bennett asked if a vote had been taken on the Town Center District Amendments to Article 2. McKinney stated they had not yet, and asked for a motion to move the Amendments forward to Town Meeting when ready. Quinlan motioned. Johnson seconded. All were in favor, the motion passed.

McKinney asked if the board was okay with putting Rules of Procedure onto the next meeting agenda. The board agreed.

Bennett brought up notices for Public Hearings, and the timing of hearings. Bennett pointed to NH RSA 675.3 which governs Planning Board driven amendments, and mentions a 10 day notice period. McKinney stated the NHMA has very specific dates for hearings related to Town Meetings. McKinney stated there is a date in January which is the last day to post notice for the first hearing if a second hearing is anticipated. January 23 is the last day to hold the first public hearing, but McKinney wondered if there is a date that is too early to hold the hearing. Bennett offered to contact NHMA.

Action Item: Bennett to contact NHMA to ask about hearing dates.

9:34 PM

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

Respectfully submitted,  
Amy Wyman  
Planning Board Administrative Assistant