

Mont Vernon Planning Board

Public Meeting Minutes

October 27, 2020

AGENDA

Times are approximate and subject to change without notice.

7:00 pm Discussion of Legal Input on Proposed Wetlands Ordinance

8:30 pm Other Business

Mail & Announcements

Review Minutes from 10/13/20

9:00 pm Adjournment

Present: Bill McKinney, Bill Johnson, Tim Berry, Chip Spalding, Charles Baker, Dave Hall, Jim Bird

Absent: Steve Bennett, Rebecca Schwarz, Eric Will

7:00 PM – Discussion of Legal Input on Proposed Wetlands Ordinance

McKinney called the meeting to order and had everyone recite the Pledge of Allegiance. **McKinney** seated **Baker** in order to have a quorum. The Board continued to review the Proposed Wetland Ordinance Revision #15. **McKinney** also shared Revision #16 where Chapter II is absorbed into Chapter I in order to have all Ordinances in one chapter. **Hall** feels as a developer that it would be helpful to have everything that effects a particular parcel of land in one orderly section within the zoning. **McKinney** agrees that it would be nice to have the wetlands regulations all together. **Spalding** and **McKinney** discussed making a new Article 8 in Chapter I. **Johnson** also feels that it makes sense to have it all together in one chapter. He feels having it follow the Flood Plain Management in Article 7 makes it a bit more user friendly. All agreed to call this Chapter I, Article 8, Wetlands Conservation Ordinance. **Berry** questioned when we would be getting the Conservation Commission's input on these revisions. **McKinney** stated that the Ordinances that are proposed to the towns people come from the Planning Board. We take the recommendations from the Conservation Commission; they are invited to participate in our meetings. We want their input so that we are not creating something that is unenforceable and over burdensome, but we need to do what we need to do to protect the wetlands. **Hall** feels that we need to go back and review some of the structural foundational items in regards to this ordinance. What is it that has happened in the past that has brought this under our radar? If this town ever wants to have an elderly housing development ordinance or a work force housing ordinance or something that potentially generates tax revenue without impact on the school system, what we do here with this ordinance might directly affect our ability to do that. He agrees that we have to protect the wetlands. He does not agree with some of the setbacks, or the manner in which we are going about figuring out how big these wetlands are; who has the responsibility if they encompass other people's land, etc. The Board went over the revisions to date. **Johnson** said we've gone back and forth on this for two years. Before going over edits, he

feels we should discuss the foundational issues amongst Board members that haven't been addressed or discussed. **Hall** asked have we pushed this ordinance through the open space machine. If we are looking to avoid sprawl, how would this effect our open space development ordinance? Will all these proposed setbacks make that impossible? **McKinney** stated that for pre-approved subdivisions, there is an exception in this ordinance that allows them to continue on as they were, provided they meet with the Planning Board to see if there are any alternatives that they can do. If there is not, the Planning Board cannot deny approval of any development. **Hall** is questioning future open space developments. He feels that if we don't want a greater impact on the school, we need to start thinking of ways to offset the taxes. We are not going to have a commercial means to do that. He feels we are creating more and more opportunities for only single-family residential housing. **Spalding** feels that we need to replace 'buffer' language with 'setback' language so as not to create misunderstanding. There is not a single mention of 'setbacks' in this new ordinance; there is mention of 'buffer'. If indeed this is truly a setback, why would we want to have different language than we currently have in zoning. **Hall** stated if you cannot put a house up or make a lot, that's a setback. **Bird** agreed. **McKinney** pointed out that setbacks are very clearly defined in the zoning regulations and cannot be adjusted unless you go for a variance. Buffers at times are negotiable. There are areas for innovative land use that allows the Planning Board to look at buffers to allow some encroachment into that buffer because it's not a setback. If you call it a setback, you are bound and destined to the ZBA. If you call it a buffer and you use innovative land use that is written into the ordinance already, then the Planning Board has the discretion and you save going to the Zoning Board. **Bird** feels that's a very good point because legally, we are setting this up so the Board may have more flexibility determining what may and may not happen in a buffer, whereas we don't have that flexibility at all with a setback. **McKinney** stressed that this has been the discussion over the past two years of granting more flexibility to the Planning Board to work with developers instead of sending them constantly to the ZBA. We do not want to be overly restrictive to development. The Board discussed NH RSA 674:39 Vested Rights and active and substantial development. **Hall** feels that on the approval of any subdivision we should add to the notes "applicant hereby understands that active and substantial development must occur within 24 months or they lose their development rights". **McKinney** agreed that this should be a standard note on all subdivision applications moving forward. **Spalding** noted that there is no reference to subdivision or non-residential site plan review in this current ordinance. It only refers to development. His recommendation is that the Planning Board include under I-408.8 Definitions: "Development means any subdivision, non-residential site plan review and the addition of buildings, structures or other improvements to land that will permanently alter the characteristic and nature of the land". **Hall** addressed his concerns over I-408.6 Existing Approved Lots. He does not feel that a developer should have to come back before the Board to receive a conditional use permit on a previously approved lot. He feels it is inconsistent with what we have discussed tonight. The Board discussed at length. **McKinney** asked **Hall** to come back with recommendations on how we can improve this so that we are not overburdening developers that have existing approved lots.

9:20PM – McKinney motioned to table this to our work session meeting on November 24th.

9:25 PM – Other Business

The Board reviewed the minutes from 10/13/20. **Berry** motioned to accept the minutes as written seconded by **Baker**. All in favor, motion passed.

9:45 PM

As there was no further business before the Board, **Berry** motioned to adjourn seconded by **Johnson**. All in favor, meeting adjourned.

Respectfully submitted,

Joan Cleary

Administrative Assistant